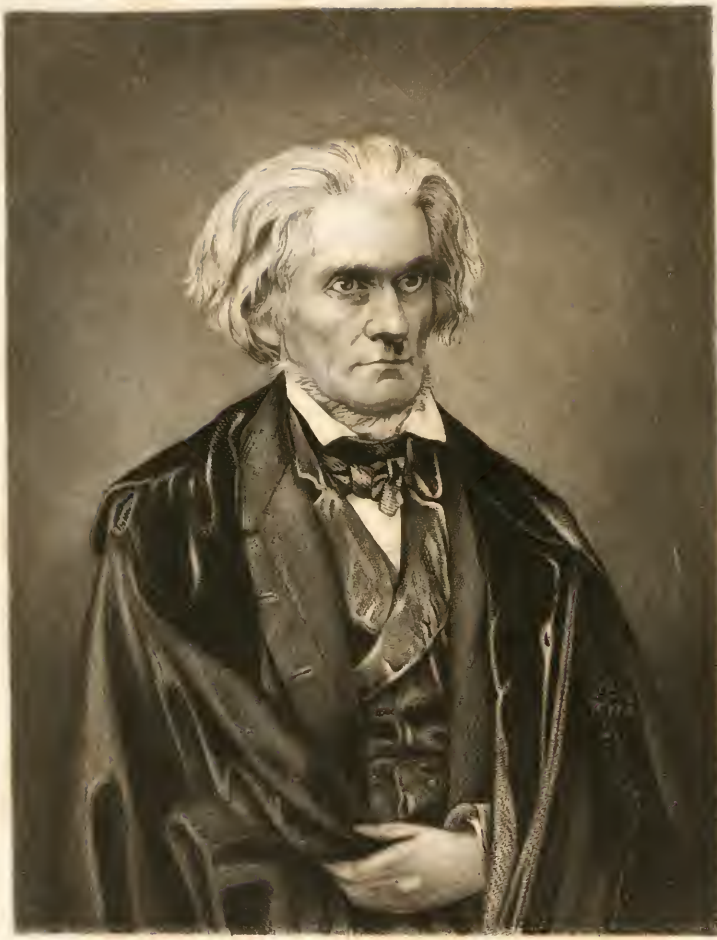
JOHN CALDWELL CALHOUN.



J. C. Calhoun

THE LIFE

OF

JOHN CALDWELL CALHOUN.

BY

JOHN S. JENKINS,

AUTHOR OF THE "HISTORY OF THE WAR WITH MEXICO;" "LIFE OF JAMES K. POLK," ETC., ETC.

Justum ac tenacem propositi virum,
Non civium ardor pravâ jubentium,
Non vultus instantis tyranni,
Mente quatit solidâ.
HORAT. *Carm.* iii. 3.

AUBURN AND BUFFALO:
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1857.

STEREOTYPED BY THOMAS B. SMITH
216 WILLIAM STREET, N. Y.

TO THE

People of South Carolina,

THIS VOLUME

IS RESPECTFULLY DEDICATED.

PREFACE.

One after another of the remarkable men of our country has gone down to the tomb, until the number of the distinguished dead far exceeds that of the living who have become illustrious. The history and fame of the former constitute the glory and greatness of the country, and the promise of the latter is its hope and admiration. To portray the character of the one is to excite the emulation of the other; and to depict the virtues of a single individual, may be to scatter the seeds that will germinate, and bud, and blossom, and bring forth similar fruit, in due season.

For more than thirty-five years, Mr. Calhoun has been one of the most prominent statesmen in the American Union, and during that long period their history is woven together. No important question has been agitated since he first entered Congress, in which he has not participated, or with which he

has not in some way or other been connected. His biography, therefore, if executed as it ought, should be full of interest to the American reader.

I have been aware, from the first, of the difficulties and embarrassments in the way of preparing a memoir that would be acceptable to both of the parties occupying extreme grounds on the sectional questions with which Mr. Calhoun was identified. It has been my aim, however, to present all things truly; and, having done this, to rely upon the generous kindness of the public. It cannot be that passion and prejudice will follow the dead, to disturb the quiet slumbers of the grave; and if these are forgotten, there can be no doubt that justice will be done to the memory of Mr. Calhoun. He was emphatically a great man,—a model statesman,—one of those who visit us, like angels, "few and far between."

He lived in eventful times, and his history is full of important incidents. A minute account, therefore, of the details of his life would require a much larger volume than the present. But it is the design of this work to exhibit his character with sufficient distinctness to satisfy the general reader, and faithfully to represent his course and position with reference to the important questions that arose during his

public career. In order to accomplish this object, I have found it necessary to insert a number of his speeches, that he might be allowed to speak for himself far more ably and eloquently than I could hope to do.

In making the selections of the speeches, I have preferred to take those delivered on subjects of great temporary importance, or which are likely to possess a permanent value from their connection with the federal constitution and its proper interpretation.

No apology need be offered for occupying so large a space with the history of Nullification. It was the great episode in the life of Mr. Calhoun, and the principle of state interposition, or state veto, was very dear to him. "If you should ask me the word," said he, "that I would wish engraven on my tombstone, it is NULLIFICATION."

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LIFE OF JOHN C. CALHOUN.

CHAPTER I.

Roman Virtue and Integrity—Often paralleled in America—Character of Mr. Calhoun—His Reputation—Attachment of the People of South Carolina to him—Influence—Ancestors—His Father—Characteristic Traits—His Birth.

When Brennus, the Gallic chieftain, and the dark and uncouth, but stalwart and intrepid warriors, whom he led forth from their transalpine homes down upon the fair and fertile plains of Italy, entered the gates of the Eternal City,—and their startling cry of "*Væ victis!*"—woe to the conquered!—awoke a thousand echoes in her ancient streets and thoroughfares, in her palaces and her temples,—her defeated soldiery and her affrighted inhabitants fled for refuge to the Capitoline Hill, "that high place where Rome embraced her heroes." But some few of the nobler spirits of the republic, reverencing the memories of the past, cherishing its patriotic impulses, and practicing its virtues, remained in the Forum, and seated in their curule chairs, fearlessly and calmly awaited the approach of the enemy.

Rude and unpolished as were the invaders, though

reckless of danger and indifferent to peril, they were instantly struck with astonishment at this exhibition of firmness and devotion, of patriotism and virtue; and they regarded with awe, the sublime majesty of the countenances in which dignity and determination were so nobly blended. These Romans were the types of a once numerous class, whose character has been held in admiration for ages, in every clime and among every people to whom their history is known.

Roman virtue—that virtue which constituted the bright peculiar trait of statesmen, and soldiers, and citizens, in the earlier and purer days of republican simplicity, and whose light, though shorn of many of its beams, was not wholly lost amid the glory and splendor of the Empire, till the throne of the Cæsars had crumbled into dust—the virtue thus exemplified and thus ennobled in Rome, has been often paralleled, if not surpassed, in the great republic of the West. While we have in some degree imitated her form of government, we have also copied the traits of character which rendered her distinguished men so famous; and it is justly esteemed no small praise among us, to be commended for the possession and practice of Roman virtue and Roman integrity. It is, too, a fit subject for congratulation, that our country, though so young in years, has produced so many men deservedly entitled to this high distinction: they have not appeared only once in a generation or an age, but like the branches of the golden tree which opened the portals of the lower world, when one is torn away another is not wanting,*—when

* Primo avulso non deficit alter
Aureus. Virgil, *Æneid*, vi 143.

one is numbered with the dead, another springs up to fill his place, to emulate his virtues, and to follow his example.

Not the least worthy, and not the least conspicuous among them, was the subject of this memoir. For nearly forty years he occupied a prominent place among the most eminent statesmen of America. His reputation, furthermore, had crossed the Atlantic, where he had himself never been, and had elicited the most flattering encomiums from those high in ability and in station. At home, among his own countrymen, his independence of thought, his fearlessness in the expression of his opinions, and his unbending and uncompromising integrity, caused him to be generally admired even among those who differed from him the most widely upon political questions. While, therefore, his sentiments with reference to matters of public policy were not always cordially approved, but were oftentimes earnestly opposed, his character and his talents were held in esteem in every section of the Union, and it may be truly said that his fame was national, and was bounded only by the confines of our territory.

For much the greater portion of the period during which he was in public life, he held a seat in the legislature of his native state, or represented her in one or other of the two houses of Congress. To the people of South Carolina he was closely endeared, as well by the sterling qualities of his head and heart, as by his fidelity in watching over and protecting their interests, and his long and arduous services in the councils of the state and nation. Open and frank in the avowal of his sentiments upon the great questions that divided

the public mind—prompt and energetic—faithful and true—he commanded alike their respect and their admiration.

To most of them personally a stranger, yet when his name was uttered, it awoke many a lofty and animating recollection, and around it clustered hosts of stirring associations. They looked up to him as their leader and their head,—they trusted in him to carry them safe through every emergency, and to sustain them in every crisis. Did danger threaten them from within or without, he was invoked as the guardian genius who possessed the power to heal all dissensions, and to triumph over all opposition. Did the gathering clouds on the political horizon forebode aught of disaster, to him they applied as to one who could not be daunted by the omens that filled the souls of others with terror and awe; and when the warning voice, the counsels, or the admonitions, of that statesman-planter, were heard rolling down from his distant home at the foot of the Blue Ridge over the lowlands of South Carolina, few there were who did not heed and obey them. Like a gallant knight he was foremost in every position of danger, and when his banner was unfurled in the midst of the timid and faint-hearted, they raised their eyes to it in the confidence of faith, and turned from it full of encouragement and hope.

Possessing such traits of character, and uniting with them a commanding intellect, and an indomitable will, it is not surprising that he exerted an influence so widespread and so powerful. "When a firm decisive spirit is recognized," says Mr. Foster, "it is curious to see how the space clears around a man, and leaves him

room and freedom. * * * A conviction that he understands and that he wills with extraordinary force, silences the conceit that intended to perplex or instruct him, and intimidates the malice that was disposed to attack him. There is a feeling, as in respect to Fate, that the decrees of so inflexible a spirit *must* be right, or that, at least, they *will* be accomplished."*

It was so with Mr. Calhoun. Without an effort on his part, other than the natural operations of his mind and character in the progress of development, he acquired a reputation of which his fellow-citizens were exceedingly proud, as they well might be. They soon learned to love him, and loving, to admire and revere. For twenty years he was first and foremost in their affections, and the dearest hopes of thousands followed him to the silence of the tomb. In their hearts his memory must long be enshrined, and the spot hallowed by the presence of all that remained of his mortal existence must be to them as "holy ground,"—like Mecca to the followers of the Prophet, or the meadow of Grütli to the peasantry of Switzerland. It is consecrated earth that contains beneath its bosom

> "Ashes which make it holier, dust which is
> Even in itself an immortality."

The paternal ancestors of Mr. Calhoun came originally from Ireland, that fruitful hive from which sprung most of the early inhabitants of the eastern slopes of the Alleghany mountains. His grandfather emigrated with his family to Pennsylvania in the year 1733; they afterward removed to Virginia, and in 1756 finally

* Essay on Decision of Character, Letter ii.

established themselves permanently in the province of South Carolina, near the base of the Blue Ridge, and in the fine healthy region drained by the tributaries of the Savannah river.

His father, Patrick Calhoun, was born in Donegal, but was a mere child when the family left Ireland. Accustomed from his earliest years to sights and scenes well calculated to heighten the natural daring of his spirit, and to render him courageous and self-reliant; familiar with hardship and privation, with war and bloodshed; he was distinguished for his boldness and intrepidity, his determined energy, and his manly independence,—traits which were reproduced and reëxemplified in the life and character of his distinguished son. The family were driven from their temporary home in Virginia by the hordes of ruthless savages let loose upon the frontier settlements in consequence of the defeat of Braddock, and in the hostile encounters that took place previous to their removal, Patrick was old enough to take a prominent part. He subsequently participated in the frequent skirmishes between the white settlers of South Carolina and the Cherokee Indians previous to and during the Revolution. For a long time he commanded a company of rangers, who did good service in keeping off the marauders that hovered upon the borders of the infant colony, seeking an opportunity to plunder and destroy.

His occupation was that of a farmer or planter, and he resided upon and cultivated the same place where his father's family first settled, and which now belongs to the heirs of his youngest son. He was married in 1770 to a young lady, whose maiden name was Cald

well, and who was a native of Charlotte county, Virginia. Her father was a Scotch-Irish Presbyterian, and was one of the founders of the settlement on Cub Creek.

The elder Mr. Calhoun was an industrious and enterprising citizen. To great natural shrewdness he added an inquiring disposition, and a boldness and independence of sentiment that were rarely imitated. He thought, and spoke, and acted for himself. He was a Whig in principle long before the Revolution, and when the crisis came, he did not hesitate publicly to make profession of "the faith that was in him." He battled manfully against the Tories; he contended with them in speech; and at the head of his rangers aided essentially in putting them down with the strong hand. Both the Caldwells and the Calhouns were active and zealous Whigs. As such, they were the peculiar objects of the red man's hate and the Tory's vengeance. Of three of the Caldwells able to bear arms during the revolutionary struggle, one was murdered by the Tories in cold blood, in his own yard, after his house had been set on fire; another fell dead at the battle of the Cowpens, being pierced with thirty sabre wounds; and the third was taken prisoner by the enemy, and confined for nine months in a loathsome dungeon at St. Augustine.

Nothing but his stout arm and intrepidity of soul, saved Patrick Calhoun from experiencing a similar fate. "Upon one occasion,"—says a memoir of his son, published by his political friends during the presidential canvass of 1843–4,—"with thirteen other whites, he maintained a desperate conflict for hours with the Cherokee Indians, until overwhelmed by superior numbers, he was forced to retreat, leaving seven of his

companions dead upon the field. Three days after, they returned to bury their dead, and found the bodies of twenty-three Indian warriors, who had perished in the same conflict. At another time, he was singled out by an Indian distinguished for his prowess as a chief, and for his skill with the rifle. The Indian taking to a tree, Calhoun secured himself behind a log, from whence he drew the Indian's fire four times by holding a hat on a stick a little above his hiding-place. The Indian at length exhibited a portion of his person in an effort to ascertain the effect of his shot, when he received a ball from his enemy in the shoulder, which forced him to fly. But the hat exhibited the traces of four balls by which it had been perforated. The effect of this mode of life upon a mind naturally strong and inquisitive was to create a certain degree of contempt for the forms of civilized life, and for all that was merely conventional in society. He claimed all the rights which nature and reason seemed to establish, and he acknowledged no obligation which was not supported by the like sanctions. It was under this conviction that, upon one occasion, he and his neighbors went down within twenty-three miles of Charleston, armed with rifles, to exercise a right of suffrage which had been disputed: a contest which ended in electing him to the Legislature of the state, in which body he served for thirty years. Relying upon virtue, reason, and courage, as all that constituted the true moral strength of man, he attached too little importance to mere information, and never feared to encounter an adversary who, in that respect, had the advantage over him: a confidence which many of the events of his life seemed

to justify. Indeed, he once appeared as his own advocate in a case in Virginia, in which he recovered a tract of land in despite of the regularly-trained disputants, who sought to embarrass and defeat him. He opposed the Federal Constitution, because, as he said, it permitted other people than those of South Carolina to tax the people of South Carolina, and thus allowed taxation without representation, which was a violation of the fundamental principle of the revolutionary struggle.

"We have heard his son say, that among his earliest recollections was one of a conversation when he was nine years of age, in which his father maintained that government to be best which allowed the largest amount of individual liberty compatible with social order and tranquillity, and insisted that the improvements in political science would be found to consist in throwing off many of the restraints then imposed by law, and deemed necessary to an organized society. It may well be supposed that his son John was an attentive and eager auditor, and such lessons as these must doubtless have served to encourage that free spirit of inquiry, and that intrepid zeal for truth, for which he has been so much distinguished. The mode of thinking which was thus encouraged may, perhaps, have compensated in some degree for the want of those early advantages which are generally deemed indispensable to great intellectual progress. Of these he had comparatively few. But this was compensated by those natural gifts which give great minds the mastery over difficulties which the timid regard as insuperable. Indeed, we have here another of those rare instances in which the hardiness

of natural genius is seen to defy all obstacles, and develops its flower and matures its fruit under circumstances apparently the most unpropitious."

Patrick Calhoun died in 1795. His wife was a woman of rare excellence, whose many virtues endeared ner to all that knew her, and are still held in grateful remembrance by those who witnessed the evidences of her worth and profited by her kindness. They had five children, four sons and a daughter, of whom JOHN CALDWELL CALHOUN was the youngest save one. He was born in Abbeville District, South Carolina, at the resi, dence of his father, on the 18th of March, 1782, and was named after his maternal uncle, Major John Caldwell, who was murdered by the Tories.

CHAPTER II.

Early Development of Character—His Education—Enters College—Graduates—Studies Law—Commences Practice—Professional Reputation—Enters the Arena of Politics—Elected to the State Legislature—Services in that Body—Popularity among his Constituents—Chosen a Member of Congress.

Born and nurtured amid the closing scenes of the Revolution, and when its dying thunders were still heard faintly echoing in the distance, the stirring incidents of that protracted contest, and the legends and traditions of border warfare, were among the first and earliest recollections of young Calhoun. They were often recounted in his hearing, and left their impress upon his character, in its sternness, and what might almost be called its harshness. He inherited, too, from his father, the active energy, firmness and determination, that characterized him, and from his mother's family, their ardency of feeling, and their high-toned and impulsive enthusiasm. When a lad he was remarked for his thoughtful disposition, his quickness of apprehension, his decision of character, and his steady and untiring perseverance in the accomplishment of any plan he had conceived, or in the pursuit of any object which he desired to secure.

The early trials and struggles, the hopes and disappointments, of those who are successful in life, what-

ever may be the calling or profession, differ oftener in kind than in character. Few minds are so peculiarly constituted as not to require to be submitted to the ordeal, when in the early stages of development. The discipline of the young is like the task of the pruner. What is unsightly or unproductive is removed, in order that the thrifty or more promising shoots may grow with greater vigor, and bud and blossom with increased luxuriance. "It is no doubt a true observation," remarked Bishop Patrick, "that the ready way to make the minds of youth go awry, is to lace them too hard, by denying them their just freedom;" but when the regimen is properly advised and faithfully observed, it is healthful, and strengthens and invigorates the character for the sterner and severer duties of advanced years. Chance sometimes fairly thrusts her favors upon those who seem little inclined to profit by them, but like Dead Sea fruits, though fair and tempting without, they turn to dust and ashes within. Fortune is proverbially a blind goddess, and she has never maintained a very high reputation for her impartiality. The French have a political maxim, that "Time is a statesman's principal assistant." This is equally applicable to the career of every man, in boyhood and in age:—Time, Patience, Energy, and Perseverance, like the brothers in the fairy tale, find nothing so difficult that it cannot be overcome.

In the life of Mr. Calhoun, this truth is strikingly exemplified. The advantages which he possessed in so far as an education was concerned, while he remained at home, are now exceeded by those enjoyed by the child of the humblest citizen of his native state. The

upper country of Virginia and the two Carolinas was settled mainly by Irish and Scotch-Irish emigrants,—a very different class of people from the more polished and refined Huguenots and descendants of the Cavaliers, who dwelt in the lower valleys of their noble rivers. The former were poor in this world's goods, but rich in those sterling qualities of heart and soul that fitted them so well for the hardships and privations of a pioneer life, and which constituted a richer legacy to their children than the wealth secured by their industry among the hills and dales of their forest homes. Among such a people, the means of instruction were, of course, quite limited, and children were taught the rudiments of learning principally by their parents.

Mr. Calhoun was indebted for the most part to his father and mother for the information acquired in his youth. There were few or no schools in the sparsely settled district where they resided, and the only branches of education taught in them were reading, writing, and arithmetic. When he was old enough they sent him to an ordinary country school, at which he learned al that his teacher could communicate. These draughts from the fountain, turbid though it was, created a thirst for more; but as there was not a single academy in the whole upper region of the state, and none within fifty miles, except in Columbia county, Georgia, of which Mr. Waddell, a Presbyterian clergyman who had married his sister, was the principal; and as his father was unwilling, both on account of his limited means, and of his aversion to the learned professions, to send him away from home; he reached the age of thirteen with-

out having added anything to his stock of knowledge, except the limited amount of information he was able to pick up in conversation with others, and to obtain from the few books to which he had access.

At the age of thirteen he was placed under the care of his brother-in-law, and commenced a course of study in the higher branches. He had but just made a beginning in this new occupation, with which he was perfectly delighted, when the death of his father took place. His sister shortly after died, and Mr. Waddell immediately discontinued his academy. John continued to reside with his brother-in-law; but as the latter was absent for the greater part of the time, engaged in the performance of his clerical duties, he was left to depend upon his own resources for amusement. The plantation was in a remote district, and he had not a single white companion, with the exception, at intervals, of Mr. Waddell, and an occasional visitor. In this situation, had he fallen a victim to listlessness and *ennui*, it could not have been wondered at. But his active mind required employment, and in the house he found what proved to him a rich mine of intellectual wealth.

His brother-in-law was the librarian of a small circulating library, and to this he at once resorted. No one counselled or directed him in the selection of books for perusal, but as if led by instinct, he discarded fiction entirely, and occupied himself, to the exclusion of all lighter reading, with historical works. These were few in number, but he devoured them eagerly. Rollin's Ancient History; Robertson's Life of Charles V., and History of America; and a translation of Voltaire's

Charles XII., first attracted his attention. He was completely fascinated with the inexhaustible store of information which the French scholar had accumulated, and admired the well-turned periods and graceful and easy diction of Scotland's great historian, while he hung with delight upon the thrilling account of the daring exploits of the Swedish monarch. Having dispatched these volumes, he took up the large edition of Cook's Voyages, Brown's Essays, and Locke on the Understanding, the last of which he was unable to finish, for the reason that he had already overtasked his strength, and his health had become considerably impaired.

"All this was the work of but fourteen weeks. So intense was his application that his eyes became seriously affected, his countenance pallid, and his frame emaciated. His mother, alarmed at the intelligence of his health, sent for him home, where exercise and amusement soon restored his strength, and he acquired a fondness for hunting, fishing, and other country sports. Four years passed away in these pursuits, and in attention to the business of the farm while his elder brothers were absent, to the entire neglect of his education. But the time was not lost. Exercise and rural sports invigorated his frame, while his labors on the farm gave him a taste for agriculture, which he always retained, and in the pursuit of which he found delightful occupation for his intervals of leisure from public duties.

"About this time an incident occurred upon which turned his after life. His second brother, James, who had been placed at a counting-house in Charleston, returned to spend the summer of 1800 at home. John

had determined to become a planter; but James, objecting to this, strongly urged him to acquire a good education, and pursue one of the learned professions He replied that he was not averse to the course advised, but there were two difficulties in the way: one was to obtain the assent of his mother, without which he could not think of leaving her, and the other was the want of means. His property was small, and his resolution fixed: he would far rather be a planter than a half-informed physician or lawyer. With this determination, he could not bring his mind to select either without ample preparation; but if the consent of their mother should be freely given, and he (James) thought he could so manage his property as to keep him in funds for seven years of study, preparatory to entering his profession, he would leave home and commence his education the next week. His mother and brother agreeing to his conditions, he accordingly left home the next week for Dr. Waddell's, who had married again, and resumed his academy in Columbia county, Georgia. This was in June, 1800, in the beginning of his nineteenth year, at which time it may be said he commenced his education, his tuition having been previously very imperfect, and confined to reading, writing, and arithmetic, in an ordinary country school. His progress here was so rapid that in two years he entered the junior class of Yale College, and graduated with distinction in 1804, just four years from the time he commenced his Latin grammar. He was highly esteemed by Dr. Dwight, then the president of the college, although they differed widely in politics, and at a time when political feelings were intensely bitter.

The doctor was an ardent Federalist, and Mr. Calhoun was one of a very few, in a class of more than seventy, who had the firmness openly to avow and maintain the opinions of the Republican party, and, among others, that the people were the only legitimate source of political power. Dr. Dwight entertained a different opinion. In a recitation during the senior year, on the chapter on Politics in Paley's Moral Philosophy, the doctor, with the intention of eliciting his opinion, propounded to Mr. Calhoun the question, as to the legitimate source of power. He did not decline an open and direct avowal of his opinion. A discussion ensued between them, which exhausted the time allotted for the recitation, and in which the pupil maintained his opinions with such vigor of argument and success, as to elicit from his distinguished teacher the declaration, in speaking of him to a friend, that the young man had talent enough to be President of the United States, which he accompanied by a prediction that he would one day attain that station."*

At the commencement, an English oration was assigned to Mr. Calhoun. The subject which he selected was—"The qualifications necessary to constitute a perfect statesman"—from which it may be inferred that he had already set his heart upon a political career, and that he loved to contemplate that *beau idéal* in statesmanship, which he afterward attempted to illustrate in his own career. Having taken his degree, he commenced the study of the law, which he regarded as the stepping-stone to the higher position at which he aimed. He spent three years in his legal studies, and in miscel-

* Biographical Sketch of Mr. Calhoun, 1843.

laneous reading. For about half this time, he attended the celebrated law school at Litchfield, Connecticut, under the charge of Judge Reeve and Mr. Gould, and at which so many of the most eminent members of the profession in the northern and southern states received their legal education. At this school he acquired and maintained a high reputation for ability and application, and in the debating society formed among its members, he successfully cultivated his talents for extemporary speaking, and in this respect is admitted to have excelled all his associates.

On leaving Litchfield, Mr. Calhoun repaired to Charleston, and entered the office of Mr. De Saussure, subsequently Chancellor of South Carolina, in order to familiarize himself with the statute laws of his state, and the practice of the courts. In the office of Mr. De Saussure, and of Mr. George Bowie, of Abbeville, he completed his studies. He then presented himself for examination, was duly admitted to the bar in 1807, and commenced practice in the Abbeville District. He immediately took a place in the front rank of his profession, among the ablest and most experienced of its members. Clients flocked around him, and a lucrative practice was the reward of his long and severe course of study. Had he remained at the bar, his great talents must have enabled him to attain a high standing, but he left it so soon that this can only be a matter of speculation. The reputation which he acquired during the short period of his forensic career, was certainly an enviable one, and augured most auspiciously for the future.

"While he was yet a student," says the memoir be

fore quoted, "after his return from Litchfield to Abbeville, an incident occurred which agitated the whole Union, and contributed to give to Mr. Calhoun's life, at that early period, the political direction which it has ever since kept—the attack of the English frigate Leopard on the American frigate Chesapeake. It led to public meetings all over the Union, in which resolutions were passed expressive of the indignation of the people, and their firm resolve to stand by the government in whatever measure it might think proper to adopt to redress the outrage. At that called in his native district, he was appointed one of the committee to prepare a report and resolutions to be presented to a meeting to be convened to receive them on an appointed day. Mr. Calhoun was requested by the committee to prepare them, which he did so much to their satisfaction, that he was appointed to address the meeting on the occasion before the vote was taken on the resolutions. The meeting was large, and it was the first time he had ever appeared before the public. He acquitted himself with such success that his name was presented as a candidate for the state Legislature at the next election. He was elected at the head of the ticket, and at a time when the prejudice against lawyers was so strong in the district that no one of the profession who had offered for many years previously had ever succeeded. This was the commencement of his political life, and the first evidence he ever received of the confidence of the people of the state—a confidence which has continued ever since constantly increasing, without interruption or reaction, for the third of a century; and which, for its duration, universality,

and strength, may be said to be without a parallel in any other state, or in the case of any other public man.

"He served two sessions in the state Legislature. It was not long after he took his seat before he distinguished himself. Early in the session an informal meeting of the Republican portion of the members was called to nominate candidates for the places of President and Vice-President of the United States. Mr. Madison was nominated for the presidency without opposition. When the nomination for the vice-presidency was presented, Mr. Calhoun embraced the occasion to present his opinion in reference to coming events, as bearing on the nomination. He reviewed the state of the relations between the United States and Great Britain and France, the two great belligerents which were then struggling for mastery, and in their struggle trampling on the rights of neutrals, and especially ours; he touched on the restrictive system which had been resorted to by the government to protect our rights, and expressed his doubt of its efficacy, and the conviction that a war with Great Britain would be unavoidable. 'It was,' he said, 'in this state of things, of the utmost importance that the ranks of the Republican party should be preserved undisturbed and unbroken by faction or discord.' He then adverted to the fact, that a discontented portion of the party had given unequivocal evidence of rallying round the name of the venerable vice-president, George Clinton (whose re-nomination was proposed), and of whom he spoke highly; but he gave it as his opinion, that should he be nominated and reëlected, he

would become the nucleus of all the discontented portion of the party, and thus make a formidable division in its ranks should the country be forced into war. These persons, he predicted, would ultimately rally under De Witt Clinton, the nephew, whom he described as a man of distinguished talents and aspiring disposition. To avoid the danger, he suggested for nomination the name of John Langdon, of New Hampshire, of whom he spoke highly both as to talents and patriotism.

"It was Mr. Calhoun's first effort in a public capacity. The manner and matter excited great applause; and when it is recollected that these remarks preceded the declaration of war more than three years, and how events happened according to his anticipations, it affords a striking proof of that sagacity, at so early a period, for which he has since been so much distinguished. It at once gave him a stand among the most distinguished members of the Legislature. During the short period he remained a member, he originated and carried through several measures, which proved in practice to be salutary, and have become a permanent portion of the legislation of the state."

His course in the Legislature secured him an extraordinary degree of popularity and influence in the section of the state in which he resided. His constituents were especially proud of him, and many there were at that early era of his fortunes, who predicted for him a brilliant destiny; and, in truth, the promise of his life and conduct warranted these high expectations. "Give a man nerve," says an eloquent writer, "a presence, sway over language, and, above all, en-

thusiasm, or the skill to stimulate it; start him in the public arena with these requisites, and ere many years, perhaps many months, have passed, you will either see him in high station, or in a fair way of rising to it."*

In none of these essentials to success was Mr. Calhoun wanting, as those who knew him will promptly bear witness. He had nerve and intrepidity, enthusiasm, the air of one born to command, and fine argumentative powers; and his words were like the *verba ardentia* of Cicero, captivating and convincing, melting all hearts and fairly burning into every ear that listened.

As is well known, the members of the twelfth Congress were generally selected with particular reference to the apprehended war with Great Britain. The prominent stand taken by Mr. Calhoun in the Legislature had drawn public attention to him, and the Republicans of his congressional district demanded his selection as their representative. He accordingly presented himself before the people for their suffrages, and in the fall of 1810 was elected by a triumphant majority over his opponent.

* Francis' Orators of the Age.

CHAPTER III.

Enters the House of Representatives—Appointed on the Committee of Foreign Affairs—Speech on the War—His Character—Standing—Support of Madison's Administration and the War Measures—The Restrictive System—Remarks of Mr. Calhoun—Course in regard to the Embargo—Speech on the Loan Bill.

However true it may be that the Jay treaty was the best that could have been obtained from the British ministry at the time it was concluded, it is equally certain that it only relieved the administrations of Washington and Adams from the difficulties and embarrassments in our foreign relations against which Mr. Jefferson was scarcely able to maintain himself, and which at one time threatened to overthrow the administration of his successor. All the troublesome questions which had been so long postponed or evaded were inherited by Madison as a legacy, and further delay in their settlement was no longer possible. Happiness and prosperity smiled upon the home industry of the country; peace and contentment dwelt in all her borders; but the dark shadow thrown from the other side of the Atlantic fell upon and clouded everything that was so bright and fair.

The first session of the twelfth Congress commenced on the 4th day of November, 1811,—the two Houses

having been called together, by executive proclamation, in advance of the regular day fixed upon by law for the commencement of the session, on account of the threatening aspect of affairs. Mr. Calhoun took his seat in the House of Representatives at the opening of the session. He was still a young man, being only in his thirtieth year, but he was not entirely unknown even among the many distinguished members of the House. His talents and the zeal and ability which he had often manifested in defending the administration, and advocating decisive measures of resistance in opposition to the grasping policy of Great Britain, induced his appointment by the then Speaker, Henry Clay, to the second place on the Committee of Foreign Affairs. The chairman of the committee was Peter B. Porter, of New York.

Mr. Calhoun's *début* as a speaker was made on the 19th of December, 1811, during the debate on the resolutions reported from the committee of which he was a member, in the month of November previous, authorizing immediate and active preparations for war. Able speeches in behalf of the resolutions had already been delivered by Mr. Porter and Mr. Grundy, and it devolved on Mr. Calhoun to reply to the tirade of abuse and invective which the eloquent and versatile John Randolph had poured out on the policy shadowed forth in the resolutions. Mr. Calhoun had before submitted a few remarks on the Apportionment Bill, but had not attempted anything like a set speech. A report of his speech on the resolutions of the committee has been preserved, and it will amply testify how well he maintained the reputation which had preceded him, and ren-

dered justice to himself and to the people whom he represented.

SPEECH ON THE WAR RESOLUTIONS.

Mr. Speaker—I understood the opinion of the Committee on Foreign Relations differently from what the gentleman from Virginia (Mr. Randolph) has stated to be his impression. I certainly understood that the committee recommended the measures now before the house as a preparation for war; and such, in fact, was its express resolve, agreed to, I believe, by every member except that gentleman. I do not attribute any wilful misstatement to him, but consider it the effect of inadvertency or mistake. Indeed, the report could mean nothing but war or empty menace. I hope no member is in favor of the latter. A bullying, menacing system has everything to condemn and nothing to recommend it—in expense it almost rivals war. It excites contempt abroad and destroys confidence at home. Menaces are serious things, which ought to be resorted to with as much caution and seriousness as war itself, and should, if not successful, be invariably followed by war. It was not the gentleman from Tennessee (Mr. Grundy) that made this a war question. The resolve contemplates an additional regular force; a measure confessedly improper but as a preparation for war, but undoubtedly necessary in that event. Sir, I am not insensible to the weighty importance of this question, for the first time submitted to this house, to compel a redress of our long list of complaints against one of the belligerents. According to my mode of thinking, the more serious the question, my convictions to support it must be the stronger and more unalterable. War, in our country, ought never to be resorted to but when it is clearly justifiable and necessary; so much so as not to require the aid of logic to convince our understanding, nor the ardor of eloquence to inflame our passions. There are many reasons why this country should never resort to it but for causes the most urgent and necessary. It is sufficient that, under a government like ours, none but such will justify it in the eyes of the people; and were I not satisfied that such is the present case, I certainly would be no advocate of the proposition now before the house.

Sir, I might prove the war, should it follow, to be justifiable, by the express admission of the gentleman from Virginia; and necessary, by facts undoubted and universally admitted, such as he did not attempt

to controvert. The extent, duration, and character of the injuries received; the failure of those peaceful means heretofore resorted to for the redress of our wrongs, are my proofs that it is necessary. Why should I mention the impressment of our seamen—depredation on every branch of our commerce, including the direct export trade, continued for years, and made under laws which professedly undertake to regulate our trade with other nations?—negotiation, resorted to again and again, till it became hopeless, and the restrictive system persisted in to avoid war, and in the vain expectation of returning justice? The evil still continued to grow, so that each successive year exceeded in enormity the preceding. The question, even in the opinion and admission of our opponents, is reduced to this single point: which shall we do, abandon or defend our own commercial and maritime rights, and the personal liberty of our citizens employed in exercising them? These rights are vitally attacked, and war is the only means of redress. The gentleman from Virginia has suggested none, unless we consider the whole of his speech as recommending patient and resigned submission as the best remedy. It is for the house to decide which of the alternatives ought to be embraced. I hope the decision is made already, by a higher authority than the voice of any man. It is not in the power of speech to infuse the sense of independence and honor. To resist wrong is the instinct of nature; a generous nature, that disdains tame submission.

This part of the subject is so imposing as to enforce silence even on the gentleman from Virginia. He dared not to deny his country's wrongs, or vindicate the conduct of her enemy. But one part only of his argument had any, the most remote relation to this point. He would not say that we had not a good cause for war, but insisted that it was our duty to define that cause. If he means that this house ought, at this stage of its proceedings, or any other, to specify any particular violation of our rights to the exclusion of all others, he prescribes a course which neither good sense nor the usage of nations warrants. When we contend, let us contend for all our rights—the doubtful and the certain, the unimportant and essential. It is as easy to contend, or even more so, for the whole as for a part. At the termination of the contest, secure all that our wisdom, and valor, and the fortune of war will permit. This is the dictate of common sense, and such, also, is the usage of nations. The single instance alluded to, the endeavor of Mr. Fox to compel Mr. Pitt to define the object of the war against France, will not support the gentleman from Virginia in his position. That was an ex-

traordinary war for an extraordinary purpose, and was not governed by the usual rules. It was not for conquest or for redress of injury, but to impose a government on France which she refused to receive—an object so detestable that an avowal dare not be made.

I might here rest the question. The affirmative of the proposition is established. I cannot but advert, however, to the complaint of the gentleman from Virginia, when he was first up on this question. He said he found himself reduced to the necessity of supporting the negative side of the question before the affirmative was established. Let me tell that gentleman that there is no hardship in his case. It is not every affirmative that ought to be proved. Were I to affirm that the house is now in session, would it be reasonable to ask for proof? He who would deny its proof, on him would be the proof of so extraordinary a negative. How, then, could the gentleman, after his admission, and with the facts before him and the nation, complain? The causes are such as to warrant, or, rather, to make it indispensable in any nation not absolutely dependent to defend its rights by arms. Let him, then, show the reason why we ought not so to defend ourselves. On him, then, is the burden of proof. This he has attempted. He has endeavored to support his negative. Before I proceed to answer him particularly, let me call the attention of the house to one circumstance, that almost the whole of his arguments consisted of an enumeration of the evils always incidental to war, however just and necessary; and that, if they have any force, it is calculated to produce unqualified submission to every species of insult and injury. I do not feel myself bound to answer arguments of that description, and if I should allude to them, it will be only incidentally, and not for the purpose of serious refutation.

The first argument which I shall notice is the unprepared state of the country. Whatever weight this argument might have in a question of immediate war, it surely has little in that of preparation for it. If our country is unprepared, let us prepare as soon as possible. Let the gentleman submit his plan, and if a reasonable one, I doubt not it will be supported by the house. But, Sir, let us admit the fact with the whole force of the argument; I ask, whose is the fault? Who has been a member for many years past, and has seen the defenceless state of his country, even near home, under his own eyes, without a single endeavor to remedy so serious an evil? Let him not say, "I have acted in a minority." It is not less the duty of the minority than a majority

to endeavor to defend the country. For that purpose principally we are sent here, and not for that of opposition.

We are next told of the expenses of the war, and that people will not pay taxes. Why not? Is it a want of means? What, with 1,000,000 tons of shipping; a commerce of $100,000,000 annually; manufactures yielding a yearly product of $150,000,000, and agriculture thrice that amount; shall we, with such great resources, be told that the country wants ability to raise and support 10,000 or 15,000 additional regulars? No: it has the ability, that is admitted; but will it not have the disposition? Is not our course just and necessary? Shall we, then, utter this libel on the people? Where will proof be found of a fact so disgraceful? It is said, in the history of the country twelve or fifteen years ago. The case is not parallel. The ability of the country is greatly increased since. The whiskey tax was unpopular. But, as well as my memory serves me, the objection was not so much to the tax or its amount as the mode of collecting it. The people were startled by the host of officers, and their love of liberty shocked with the multiplicity of regulations. We, in the spirit of imitation, copied from the most oppressive part of the European laws on the subject of taxes, and imposed on a young and virtuous people the severe provisions made necessary by corruption and the long practice of evasion. If taxes should become necessary, I do not hesitate to say the people will pay cheerfully. It is for their government and their cause, and it would be their interest and duty to pay. But it may be, and I believe was said, that the people will not pay taxes, because the rights violated are not worth defending, or that the defence will cost more than the gain. Sir, I here enter my solemn protest against this low and "calculating avarice" entering this hall of legislation. It is only fit for shops and counting-houses, and ought not to disgrace the seat of power by its squalid aspect. Whenever it touches sovereign power, the nation is ruined. It is too short-sighted to defend itself. It is a compromising spirit, always ready to yield a part to save the residue. It is too timid to have in itself the laws of self-preservation. Sovereign power is never safe but under the shield of honor. There is, sir, one principle necessary to make us a great people—to produce, not the form, but real spirit of union, and that is to protect every citizen in the lawful pursuit of his business. He will then feel that he is backed by the government—that its arm is his arm. He then will rejoice in its increased strength and prosperity. Protec-

tion and patriotism are reciprocal. This is the way which has led nations to greatness. Sir, I am not versed in this calculating policy, and will not, therefore, pretend to estimate in dollars and cents the value of national independence. I cannot measure in shillings and pence the misery, the stripes, and the slavery of our impressed seamen; nor even the value of our shipping, commercial and agricultural losses, under the orders in council and the British system of blockade. In thus expressing myself, I do not intend to condemn any prudent estimate of the means of a country before it enters on a war. That is wisdom, the other folly. The gentleman from Virginia has not failed to touch on the calamity of war, that fruitful source of declamation, by which humanity is made the advocate of submission. If he desires to repress the gallant ardor of our countrymen by such topics, let me inform him that true courage regards only the cause; that it is just and necessary, and that it contemns the sufferings and dangers of war. If he really wishes well to the cause of humanity, let his eloquence be addressed to the British minister, and not the American Congress. Tell them that, if they persist in such daring insult and outrage to a neutral nation, however inclined to peace, it will be bound by honor and safety to resist; and their patience and endurance, however great, will be exhausted; that the calamity of war will ensue, and that they, and not we, in the opinion of the world, will be answerable for all its devastation and misery. Let a regard to the interest of humanity stay the hand of injustice, and my life on it, the gentleman will not find it difficult to dissuade his countrymen from rushing into the bloody scenes of war.

We are next told of the danger of war. We are ready to acknowledge its hazard and misfortune, but I cannot think that we have any extraordinary danger to apprehend, at least none to warrant an acquiescence in the injuries we have received. On the contrary, I believe no war would be less dangerous to internal peace or the safety of the country. But we are told of the black population of the Southern States. As far as the gentleman from Virginia speaks of his own personal knowledge, I shall not question the correctness of his statement. I only regret that such is the state of apprehension in his part of the country. Of the southern section, I too have some personal knowledge, and can say that in South Carolina no such fears, in any part, are felt. But, sir, admit the gentleman's statement: will a war with Great Britain increase the danger? Will the country be less able to suppress

insurrections? Had we anything to fear from that quarter—which I do not believe—in my opinion, the period of the greatest safety is during a war, unless, indeed, the enemy should make a lodgment in the country. It is in war that the country would be most on its guard, our militia the best prepared, and the standing army the greatest. Even in our Revolution, no attempts were made at insurrection by that portion of our population; and, however the gentleman may alarm himself with the disorganizing effects of French principles, I cannot think our ignorant blacks have felt much of their baneful influence. I dare say more than one half of them never heard of the French Revolution.

But as great as he regards the danger from our slaves, the gentleman's fears end not there—the standing army is not less terrible to him. Sir, I think a regular force, raised for a period of actual hostilities, cannot properly be called a standing army. There is a just distinction between such a force and one raised as a permanent peace establishment. Whatever would be the composition of the latter, I hope the former will consist of some of the best materials of the country. The ardent patriotism of our young men, and the liberal bounty in land proposed to be given, will impel them to join their country's standard, and to fight her battles. They will not forget the citizen in the soldier, and, in obeying their officers, learn to contemn their government and Constitution. In our officers and soldiers we will find patriotism no less pure and ardent than in the private citizen; but if they should be as depraved as has been represented, what have we to fear from 25,000 or 30,000 regulars? Where will be the boasted militia of the gentleman? Can 1,000,000 of militia be overpowered by 30,000 regulars? If so, how can we rely on them against a foe invading our country? Sir, I have no such contemptuous idea of our militia: their untaught bravery is sufficient to crush all foreign and internal attempts on their country's liberties.

But we have not yet come to the end of the chapter of dangers. The gentleman's imagination, so fruitful on this subject, conceives that our Constitution is not calculated for war, and that it cannot stand its rude shock. Can that be so? If so, we must then depend upon the commiseration or contempt of other nations for our existence. The Constitution, then, it seems, has failed in an essential object: "to provide for the common defence." No, says the gentleman, it is competent to a defensive, but not an offensive war. It is not necessary for me to

expose the fallacy of this argument. Why make the distinction in this case? Will he pretend to say that this is an offensive war—a war of conquest? Yes, the gentleman has ventured to make this assertion, and for reasons no less extraordinary than the assertion itself. He says, our rights are violated on the ocean, and that these violations affect our shipping and commercial rights, to which the Canadas have no relation. The doctrine of retaliation has been much abused of late, by an unreasonable extension of its meaning. We have now to witness a new abuse: the gentleman from Virginia has limited it down to a point. By his rule, if you receive a blow on the breast, you dare not return it on the head; you are obliged to measure and return it on the precise point on which it was received. If you do not proceed with this mathematical accuracy, it ceases to be self-defence—it becomes an unprovoked attack.

In speaking of Canada, the gentleman from Virginia introduced the name of Montgomery with much feeling and interest. Sir, there is danger in that name to the gentleman's argument. It is sacred to heroism! it is indignant of submission! It calls our memory back to the time of our Revolution—to the Congress of 1774 and 1775. Suppose a member of that day had rose and urged all the arguments which we have heard on this occasion—had told that Congress your contest is about the right of laying a tax—that the attempt on Canada had nothing to do with it—that the war would be expensive—that danger and devastation would overspread our country—and that the power of Great Britain was irresistible. With what sentiment, think you, would such doctrines have been then received? Happy for us, they had no force at that period of our country's glory. Had such been acted on, this hall would never have witnessed a great people convened to deliberate for the general good; a mighty empire, with prouder prospects than any nation the sun ever shone on, would not have risen in the West. No! we would have been base, subjected colonies, governed by that imperious rod which Britain holds over her distant provinces.

The gentleman attributes the preparation for war to everything but its true cause. He endeavors to find it in the probable rise in the price of hemp. He represents the people of the Western States as willing to plunge our country into war for such interested and base motives. I will not reason this point. I see the cause of their ardor, not in such unworthy motives, but in their known patriotism and disinterestedness.

No less mercenary is the reason which he attributes to the Southern States. He says that the Non-importation Act has reduced cotton to nothing, which has produced a feverish impatience. Sir, I acknowledge the cotton of our plantations is worth but little, but not for the cause assigned by the gentleman. The people of that section do not reason as he does; they do not attribute it to the efforts of their government to maintain the peace and independence of their country: they see in the low price of their produce the hand of foreign injustice; they know well, without the market of the Continent, the deep and steady current of our supply will glut that of Great Britain. They are not prepared for the colonial state to which again that power is endeavoring to reduce us. The manly spirit of that section will not submit to be regulated by any foreign power.

The love of France and the hatred of England have also been assigned as the cause of the present measure. France has not done us justice, says the gentleman from Virginia, and how can we, without partiality, resist the aggressions of England? I know, Sir, we have still cause of complaint against France, but it is of a different character from that against England. She professes now to respect our rights; and there cannot be a reasonable doubt but that the most objectionable parts of her decrees, as far as they respect us, are repealed. We have already formally acknowledged this to be a fact. But I protest against the principle from which his conclusion is drawn. It is a novel doctrine, and nowhere avowed out of this house, that you cannot select your antagonist without being guilty of partiality. Sir, when two invade your rights, you may resist both, or either, at your pleasure. The selection is regulated by prudence, and not by right. The stale imputation of partiality for France is better calculated for the columns of a newspaper than for the walls of this house.

The gentleman from Virginia is at a loss to account for what he calls our hatred to England. He asks, how can we hate the country of Locke, of Newton, Hampden, and Chatham; a country having the same language and customs with ourselves, and descended from a common ancestry? Sir, the laws of human affections are steady and uniform. If we have so much to attach us to that country, powerful indeed must be the cause which has overpowered it. Yes, there is a cause strong enough; not that occult, courtly affection, which he has supposed to be entertained for France, but continued and unprovoked insult and injury: a cause so manifest that he had to exert much ingenuity to overlook it.

But the gentleman, in his eager admiration of England, has not been sufficiently guarded in his argument. Has he reflected on the cause of that admiration? Has he examined the reasons for our high regard for her Chatham? It is his ardent patriotism—his heroic courage, which could not brook the least insult or injury offered to his country, but thought that her interest and her honor ought to be vindicated, be the hazard and expense what they might. I hope, when we are called on to admire, we shall also be asked to imitate. I hope the gentleman does not wish a monopoly of those great virtues for England.

The balance of power has also been introduced as an argument for submission. England is said to be a barrier against the military despotism of France. There is, Sir, one great error in our legislation; we are ready, it would seem from this argument, to watch over the interests of foreign nations, while we grossly neglect our own immediate concerns. This argument, drawn from the balance of power, is well calculated for the British Parliament, but is not at all suited to the American Congress. Tell the former that they have to contend with a mighty power, and if they persist in injury and insult to the American people, they will compel them to throw their weight into the scale of their enemy. Paint the danger to them, and if they will desist from injuring us, I answer for it, we will not disturb the balance of power. But it is absurd for us to talk about it, while they, by their conduct, smile with contempt at what they regard as our simple, good-natured vanity. If, however, in the contest, it should be found that they underrate us, which I hope and believe, and that we can affect the balance of power, it will not be difficult for us to obtain such terms as our rights demand.

I, Sir, will now conclude, by adverting to an argument of the gentleman used in debate on a preceding day. He asked, why not declare war immediately? The answer is obvious—because we are not yet prepared. But, says the gentleman, such language as is held here will provoke Great Britain to commence hostilities. I have no such fears. She knows well that such a course would unite all parties here—a thing which, above all others, she most dreads. Besides, such has been our past conduct, that she will still calculate on our patience and submission till war is actually commenced.

If any of Mr. Calhoun's friends had previously been inclined to doubt his ability to take and maintain a position among the ablest members in the House, this

speech must have served to dissipate all their fears. It was a favorite maxim of Napoleon's, that "it is the first step which is difficult." This is as true in politics as in war,—in the life of a statesman as in the career of a warrior. Mr. Calhoun had now taken the first step, and the pathway to distinction lay open and plain before him: it was not, indeed, free from difficulties and embarrassments—for there are always thorns to tear and wound mingled with the roses that charm the eye with their beauty and refresh the wearied senses with their fragrance—but in the distance it presented the bright promise of an abundant harvest of fame.

Among his associates in the House of Representatives were many of the ablest men in the nation, who had either already become distinguished, or were advancing with rapid strides on the road to greatness. "In all the Congresses with which I have had any acquaintance since my entry into the service of the federal government," said Mr. Clay,—"in none, in my opinion, has been assembled such a galaxy of eminent and able men as were those Congresses which declared the war, and which immediately followed the peace."* First and foremost among them was the Speaker himself—Henry Clay, of Kentucky—the eloquent and impassioned orator; and beside him there were James Fisk of Vermont, the honest and independent; Peter B. Porter, of New York, the chivalrous and high-minded; John Randolph, the talented and eccentric; Langdon Cheves and William Lowndes, the eminent and able colleagues of Mr. Calhoun; Felix Grundy, of Tennessee, the skilful debater; Nathaniel Macon,

* Remarks of Mr. Clay in the U. S. Senate, April 1, 1850.

the independent and fearless, but often impracticable politician; Josiah Quincy of Massachusetts, the accomplished but vindictive partisan; and Timothy Pitkin of Connecticut, the industrious and conscientious.

The maiden effort of Mr. Calhoun was not merely well received. Expressions of approbation were heard on every side, and it was as generally commended for its ability and eloquence, as for the patriotism of its sentiments. In allusion to this speech, and to the arguments offered in reply to Mr. Randolph, the experienced editor of the Richmond Enquirer, Thomas Ritchie, with much justice remarked: "Mr. Calhoun is clear and precise in his reasoning, marching up directly to the object of his attack, and felling down the errors of his opponent with the club of Hercules; not eloquent in his tropes and figures, but, like Fox, in the moral elevation of his sentiments; free from personality, yet full of those fine touches of indignation, which are the severest cut to a man of feeling. His speech, like a fine drawing, abounds in those lights and shades which set off each other: the cause of his country is robed in light, while her opponents are wrapped in darkness. It were a contracted wish that Mr. Calhoun were a Virginian; though, after the quota she has furnished with opposition talent, such a wish might be forgiven us. We beg leave to participate, as Americans and friends of our country, in the honors of South Carolina. We hail this young Carolinian as one of the master-spirits who stamp their names upon the age in which they live."

Having made one successful effort, Mr. Calhoun did

not sit down in inglorious ease to repose on the laurels he had gained, but with increased ardor and eagerness pressed forward in the race. Like the young eaglet which had for the first time ventured into the clouds and returned in safety to its eyry, he purposed to take a still higher and prouder flight. Whatever of application and industry were necessary to ensure his success in the career upon which he had fairly embarked, were not lacking. Action—which the great master of oratory declared to be so essential to the successful orator—was in and a part of his character, and genius, like the spear of Ithuriel, had imparted to it an almost unearthly fire.

Republican principles were firmly rooted in the mind of Mr. Calhoun,—too firmly to be swerved from maintaining them, as he thought, in their pristine vigor and purity, by any considerations of mere party expediency. Nature never designed him for a partisan. He professed to belong to the Republican party, and supported its measures, where he did not regard them as conflicting with its principles, in all honesty and faith. But there was nothing grovelling in his disposition. He could not be fettered by political ties ; they were regarded, perhaps, when his judgment and his conscience approved what they required, but when more was demanded they were powerless as the withes of the Philistines against the lusty strength of Samson

At an early period in his first session he acquired a highly honorable reputation for his fearless and independent conduct; and this he never lost even amid the many trying scenes of his subsequent life.

To the administration of Mr. Madison he in the

main yielded a cordial and hearty support, not because he was attracted or awed by the influence of power, or seduced by the blandishments of executive favor and patronage, but simply for the reason that all its more prominent measures accorded with his own convictions and opinions with respect to the true policy of the country. Encouraged by the animating eloquence of Mr. Calhoun,—of Mr. Clay, Mr. Porter, and Mr. Grundy,—a bolder and more defiant tone was assumed by the Republican members of Congress at the session of 1811–12. Bills providing for the enlistment of twenty thousand men in the regular army; for repairing and equipping the frigates in ordinary and building new vessels; authorizing the President to accept the services of fifty thousand volunteers; and requiring the executives of the several states and territories to hold their respective quotas of one hundred thousand men fully organized, armed and equipped, in readiness to march at a moment's warning, were duly passed with the approbation and vote of Mr. Calhoun; and in June, 1812, with the whole delegation from South Carolina, he supported the declaration of war.

In regard to the non-importation and embargo acts, or what is generally known as the restrictive system, Mr. Calhoun differed from the administration and from a great majority of his political friends. He opposed with great earnestness the continuance of the system, and in a speech distinguished by all the traits peculiar to his style of oratory, set forth the grounds of his opposition with great clearness and cogency. "The restrictive system," he said, "as a mode of resistance, or as a means of obtaining redress, has never been a

favorite one with me. I wish not to censure the motives which dictated it, or attribute weakness to those who first resorted to it for a restoration of our rights. But, Sir, I object to the restrictive system because it does not suit the genius of the people, or that of our government, or the geographical character of our country. We are a people essentially active; I may say we are preëminently so. No passive system can suit such a people; in action superior to all others, in patient endurance inferior to none. Nor does it suit the genius of our government. Our government is founded on freedom, and hates coercion. To make the restrictive system effective, requires the most arbitrary laws. England, with the severest penal statutes has not been able to exclude prohibited articles; and Napoleon, with all his power and vigilance, was obliged to resort to the most barbarous laws to enforce his Continental system. * * * * But there are other objections to the system. It renders government odious. The farmer inquires why he gets no more for his produce, and he is told it is owing to the embargo, or commercial restrictions. In this he sees only the hand of his own government, and not the acts of violence and injustice which this system is intended to counteract. His censures fall on the government. This is an unhappy state of the public mind, and even, I might say, in a government resting essentially on public opinion, a dangerous one. In war it is different. Its privation, it is true, may be equal or greater; but the public mind, under the strong impulses of that state of things, becomes steeled against sufferings. The difference is almost infinite between the passive and active state of

the mind. Tie down a hero, and he feels the puncture of a pin: throw him into battle, and he is almost insensible to vital gashes. So in war. Impelled alternately by hope and fear, stimulated by revenge, depressed by shame, or elevated by victory, the people become invincible. No privation can shake their fortitude; no calamity break their spirit. Even when equally successful, the contrast between the two systems is striking. War and restriction may leave the country equally exhausted; but the latter not only leaves you poor, but, even when successful, dispirited, divided, discontented, with diminished patriotism, and the morals of a considerable portion of your people corrupted. Not so in war. In that state, the common danger unites all, strengthens the bonds of society, and feeds the flame of patriotism. The national character mounts to energy. In exchange for the expenses and privations of war, you obtain military and naval skill, and a more perfect organization of such parts of your administration as are connected with the science of national defence. Sir, are these advantages to be counted as trifles in the present state of the world? Can they be measured by moneyed valuation? I would prefer a single victory over the enemy, by sea or land, to all the good we shall ever derive from the continuation of the Non-importation Act. I know not that a victory would produce an equal pressure on the enemy; but I am certain of what is of greater consequence, it would be accompanied by more salutary effects to ourselves. The memory of Saratoga, Princeton, and Eutaw is immortal. It is there you will find the country's boast and pride—the inexhaustible source

of great and heroic sentiments. But what will history say of restriction? What examples worthy of imitation will it furnish to posterity? What pride, what pleasure, will our children find in the events of such times? Let me not be considered romantic. This nation ought to be taught to rely on its courage, its fortitude, its skill and virtue, for protection. These are the only safeguards in the hour of danger. Man was endued with these great qualities for his defence. There is nothing about him that indicates that he is to conquer by endurance. He is not incrusted in a shell; he is not taught to rely upon his insensibility, his passive suffering, for defence. No, Sir; it is on the invincible mind, on a magnanimous nature, he ought to rely. Here is the superiority of our kind; it is these that render man the lord of the world. It is the destiny of his condition that nations rise above nations, as they are endued in a greater degree with these brilliant qualities."

Mr. Calhoun was among the most prominent speakers in defending the war-bill, and the various collateral questions or measures which grew out of it. A few months' experience enabled him to cope successfully with the most experienced debaters; and on the retirement of Mr. Porter from Congress, "to partake personally, not only in the pleasures, if any there should be, but in all the dangers of the revelry,' —which that gentleman had pledged himself to do if war was declared.—the post of honor, particularly so in this crisis, at the head of the Committee of Foreign Relations, was filled by the former. In this capacity he reported the bill declaring war against Great Britain, and urged its

prompt passage with all the zeal and ability that he possessed.

At the second session of the twelfth Congress, the Speaker was much embarrassed in the appointment of the committees, by the fact that there were so many prominent and able men from the state of South Carolina. As Mr. Calhoun was the youngest representative from his state, he consented, with his usual disinterestdeness, to be placed the second on the committee of which he had officiated as chairman, at the previous session. John Smilie, "an old and highly-respectable member from Pennsylvania, was placed at the head of the committee. At its first meeting the chairman, without previously intimating his intention, moved that Mr. Calhoun should be elected chairman. He objected, and insisted that Mr. Smilie should act as chairman, and declared his perfect willingness to serve under him; but he was, notwithstanding, unanimously elected, and the strongest proof that could be given of the highly satisfactory manner in which he had previously discharged his duty was thus afforded. In this conviction, and as illustrative of the same disinterested character, when the Speaker's chair became vacant by the appointment of Mr. Clay as one of the commissioners to negotiate for peace, Mr. Calhoun was solicited by many of the most influential members of the party to become a candidate for it; but he peremptorily refused to oppose his distinguished colleague, Mr. Cheves, who was elected.

"At an early period of the same session, a question out of the ordinary course, and which excited much interest at the time, became the subject of discussion,

that of the merchants' bonds. The Non-importation Act (one of the restrictive measures) was in force when the war was declared. Under its operation, a large amount of capital had been accumulated abroad, and especially in England, the proceeds of exports that could not be returned in consequence of the prohibition of imports. The owners, when they saw war was inevitable, became alarmed, and gave orders for the return of their property. It came back, for the most part, in merchandise, which was subject to forfeiture under the act. The owners petitioned for the remission of the forfeitures, and permission to enter the goods on paying the war duties. The Secretary of the Treasury, on the other hand, proposed to remit the forfeiture on condition that the amount of the value of the goods should be loaned to the government by the owners. Mr. Cheves, who was at the head of the Committee of Ways and Means, reported in favor of the petition, and supported his report by an able speech. The question had assumed much of a party character, but it did not deter Mr. Calhoun from an independent exercise of his judgment. He believed that the act never contemplated a case of the kind, and that to enforce, under such circumstances, a forfeiture amounting to millions, which would embrace a large class of citizens, would be against the spirit of the criminal code of a free and enlightened people. But waiving these more general views, he thought the only alternative was to remit the forfeiture, as prayed for by the owners, or to enforce it according to the provisions of the act: that, if the importation was such a violation as justly and properly incurred the forfeiture, then the act ought to be enforced; but if not,

the forfeiture ought to be remitted; and that the government had no right, and if it had, it was unbecoming its dignity to convert a penal act into the means of making a forced loan. Thus thinking, he seconded the effort of his distinguished colleague, and enforced his views in a very able speech. The result was, that the forfeiture was remitted, and the goods admitted on paying duties in conformity to the course recommended by the committee.

"There was another case in which, at this period, he evinced his firmness and independence. The administration still adhered to the restrictive policy, and even after the war was declared the President recommended the renewal of the Embargo. Mr. Calhoun, as has been shown, opposed, on principle, the whole system as a substitute for war, and he was still more opposed to it as an auxiliary to it. He held it, in that light, not only as inefficient and delusive, but as calculated to impair the means of the country, and to divert a greater share of its capital and industry to manufactures than could be, on the return of peace, sustained by the government on any sound principles of justice or policy. He thought war itself, without restrictions, would give so great a stimulus, that no small embarrassment and loss would result on its termination, in despite of all that could be done for them, while, at the same time, he expressed his willingness, when peace came, to protect the establishments that might grow up during its continuance, as far as it could be fairly done.

"The Embargo failed on the first recommendation; but, at the next session, being recommended again, it succeeded. Mr. Calhoun, at the earnest entreaties of

friends, and to prevent division in the party when their union was so necessary to the success of the war, gave it a reluctant vote.

"But the time was approaching when an opportunity would be afforded him to carry out successfully his views in reference to the restrictive system, and that with the concurrence of the party. The disasters of Bonaparte in the Russian campaign, his consequent fall and dethronement in the early part of 1814, and the triumph of Great Britain, after one of the longest, and, altogether, the most remarkable contests on record, offered that opportunity, which he promptly seized. This great event, which terminated the war in Europe, left Great Britain, flushed with victory, in full possession of all the vast resources, in men, money, and materials, by which she had brought that mighty conflict to a successful termination, to be turned against us. It was a fearful state of things; but, as fearful as it was of itself, it was made doubly so by the internal condition of the country, and the course of the opposition. Blinded by party zeal, they beheld with joy or indifference what was calculated to appal the patriotic. Forgetting the country, and intent only on a party triumph, they seized the opportunity to embarrass the government. Their great effort was made against the Loan Bill—a measure necessary to carry on the war. Instead of supporting it, they denounced the war itself as unjust and inexpedient; and they proclaimed its further prosecution, in so unequal a contest, as hopeless, now that the whole power of the British Empire would be brought to bear against us. Mr. Calhoun replied in a manner highly characteristic of the man, undaunted, able, and eloquent

None can read this speech, even at this distance of time, without kindling under that elevated tone of feeling, which wisdom, emanating from a spirit lofty and self-possessed under the most trying circumstances, only can inspire. In order to show the justice and expediency of the war, he took an historical view of the maritime usurpations of Great Britain, from the celebrated order in council of 1756, to the time of the discussion, and demonstrated that her aggressions were not accidental, or dependent on peculiar circumstances, but were the result of a fixed system of policy, intended to establish her supremacy on the ocean. After giving a luminous view of the origin and character of the wrongs we had suffered from her, he clearly showed the flimsiness of the pretext by which she sought to justify her conduct, as well as that of the opposition to excuse her, and dwelt upon the folly of hoping to obtain redress by sheathing the sword or throwing ourselves on her justice. The following extract, taken from the conclusion, will afford an example of his lofty and animating eloquence:

"'This country is left alone to support the rights of neutrals. Perilous is the condition, and arduous the task. We are not intimidated. We stand opposed to British usurpation, and, by our spirit and efforts, have done all in our power to save the last vestiges of neutral rights. Yes, our embargoes, non-intercourse, non-importation, and, finally, war, are all manly exertions to preserve the rights of this and other nations from the deadly grasp of British maritime policy. But (say our opponents) these efforts are lost, and our condition hopeless. If so, it only remains for us to assume the garb

of our condition. We must submit, humbly submit, crave pardon, and hug our chains. It is not wise to provoke where we cannot resist. But first let us be well assured of the hopelessness of our state before we sink into submission. On what do our opponents rest their despondent and slavish belief? On the recent events in Europe? I admit they are great, and well calculated to impose on the imagination. Our enemy never presented a more imposing exterior. His fortune is at the flood. But I am admonished by universal experience, that such prosperity is the most precarious of human conditions. From the flood the tide dates its ebb. From the meridian the sun commences its decline. Depend upon it, there is more of sound philosophy than of fiction in the fickleness which poets attribute to fortune. Prosperity has its weakness, adversity its strength. In many respects our enemy has lost by those very changes which seem so very much in his favor. He can no more claim to be struggling for existence; no more to be fighting the battles of the world in defence of the liberties of mankind. The magic cry of 'French influence' is lost. In this very hall we are not strangers to that sound. Here, even here, the cry of 'French influence,' that baseless fiction, that phantom of faction now banished, often resounded. I rejoice that the spell is broken by which it was attempted to bind the spirit of this youthful nation. The minority can no longer act under cover, but must come out and defend their opposition on its own intrinsic merits. Our example can scarcely fail to produce its effects on other nations interested in the maintenance of maritime rights. But if, unfortunately, we should be left alone to maintain

the contest, and if, which may God forbid, necessity should compel us to yield for the present, yet our generous efforts will not have been lost. A mode of thinking and a tone of sentiment have gone abroad which must stimulate to future and more successful struggles. What could not be effected with eight millions of people will be done with twenty. The great cause will never be yielded—no, never, never! Sir, I hear the future audibly announced in the past—in the splendid victories over the Guerriere, Java, and Macedonian. We, and all nations, by these victories, are taught a lesson never to be forgotten. Opinion is power. The charm of British naval invincibility is gone.'

"Such was the animated strain by which Mr. Calhoun roused the spirit of the government and country under a complication of adverse circumstances calculated to overwhelm the feeble and appal the stoutest. Never faltering, never doubting, never despairing of the Republic, he was at once the hope of the party and the beacon light to the country.

"But he did not limit his efforts to repelling the attacks of the opposition, and animating the hopes of the government and country. He saw that the very events which exposed us to so much danger, made a mighty change in the political and commercial relations of Continental Europe, which had been so long closed against foreign commerce, in consequence of the long war that grew out of the French Revolution, and of those hostile orders and decrees of the two great belligerents, which had for many years almost annihilated all lawful commerce between the Continent of Europe and the rest of the world. The events that

dethroned Bonaparte put an end to that state of things, and left all the powers of Europe free to resume their former commercial pursuits. He saw in all this that the time had come to free the government entirely from the shackles of the restrictive system, to which he had been so long opposed; and he, accordingly, followed up his speech by a bill to repeal the Embargo and the Non-importation Act. He rested their repeal on the ground that they were a portion of the restrictive policy, and showed that the ground on which it had been heretofore sustained was, that it was a pacific policy, growing out of the extraordinary state of the world at the time it was adopted, and, of course, dependent on the continuance of that state. 'It was a time,' he said, 'when every power on the Continent was arrayed against Great Britain, under the overwhelming influence of Bonaparte, and no country but ours interested in maintaining neutral rights. The fact of all the Continental ports being closed against her, gave to our restrictive measures an efficacy which they no longer had, now that they were open to her.' He admitted that the system had been continued too long, and been too far extended, and that he was opposed to it as a substitute for war, but contended that there would be no inconsistency on the part of the government in abandoning a policy founded on a state of things which no longer existed. 'But now,' said he, 'the Continental powers are neutrals, as between us and Great Britain. We are contending for the freedom of trade, and ought to use every exertion to attach to our cause Russia, Sweden, Holland, Denmark, and all other nations which have an interest in

the freedom of the seas. The maritime rights assumed by Great Britain infringe on the rights of all neutral powers, and if we should now open our ports and trade to the nations of the Continent, it would involve Great Britain in a very awkward and perplexing dilemma. She must either permit us to enjoy a very lucrative commerce with them, or by attempting to exclude them from our ports by her system of paper blockades she would force them to espouse our cause. The option which would thus be tendered her would so embarrass her as to produce a stronger desire for peace than ten years' continuance of the present system, imperative as it is now rendered by a change of circumstances."*

No one can now look back to that stirring period at which these words were uttered, uninfluenced by the passions and prejudices of the day, which it is but natural to suppose may have in some degree warped the best and wisest judgments, without being struck with the almost prophetic character of the remarks of Mr. Calhoun. His vision seemed to o'ertop passing events, and to take in at a single glance the future with all the valuable lessons, in the fulfilment as in the disappointment of hopes and expectations, which it had in store

* Memoir of Mr. Calhoun, 1843.

CHAPTER IV.

Reëlection of Mr. Calhoun—Results of the War—The Commercial Treaty—Course of Mr. Calhoun—His Speech—The United States Bank—Mr. Dallas' Bill—Opposition of Mr. Calhoun to this Measure—Its Defeat—Chairman of the Committee on the Currency—Report of a Bank Bill—Speech—Passage of the Bill.

So well pleased were the constituents of Mr. Calhoun with the manner in which he had discharged his duties as a member of Congress, during that important juncture in the affairs of the national government, the main incidents of which have been detailed, that he was returned without opposition, in the fall of 1812, and again in 1814, to the thirteenth and fourteenth Congresses.

Until the close of the war he remained the firm and steadfast advocate of decisive measures, yet when a favorable peace had been concluded he hailed it as the harbinger of good to the country, and especially as it was the signal of her release from the thraldom of foreign influence. The results of the contest were manifold, and in several important respects they affected the political action and conduct of Mr. Calhoun. If strict chronological order were essential to be observed, the subject of the charter of the United States Bank would be first in time, but as that is unnecessary, the Commercial Treaty with Great Britain and

the debate which took place thereon in Congress, seem naturally to follow the conclusion of the war.

Immediately after the ratification of the treaty was made public, and the appearance of the proclamation of the President, a bill was introduced into the House of Representatives by Mr. Forsyth, from the Committee on Foreign Relations, providing for carrying the treaty into effect, or, in other words, declaring that the laws in regard to the imposition and collection of duties, not consistent with the provisions of the treaty or convention, were repealed. A long and interesting debate arose upon the merits of this bill, in the course of which Mr. Calhoun delivered an able and argumentative speech, which is thus reported in the National Intelligencer:—

Mr. Calhoun observed, that the votes on this bill had been ordered to be recorded, and that the house would see, in his peculiar situation, a sufficient apology for his offering his reasons for the rejection of the bill. He had no disposition to speak on this bill, as he felt contented to let it take that course, which, in the opinion of the majority, it ought, till the members were called on by the order of the house to record their votes.

The question presented for consideration is perfectly simple, and easily understood; is this bill necessary to give validity to the late treaty with Great Britain? It appeared to him, that this question is susceptible of a decision, without considering whether a treaty can in any case set aside a law; or, to be more particular, whether the treaty which this bill purposes to carry into effect, does repeal the discriminating duties. The house will remember that a law was passed at the close of the last session, conditionally repealing those duties. That act proposed to repeal them in relation to any nation, which would on its part agree to repeal similar duties as to this country. On the contingency happening, the law became positive. It has happened, and has been announced to the country, that England has agreed to repeal. The President, in proclaiming the treaty, has notified the fact to the house

and country. Why then propose to do that by this bill, which has already been done by a previous act? He knew it had been said in conversation, that the provisions of the act were not as broad as the treaty. It did not strike him so. They appeared to him to be commensurate. He would also reason from the appearance of this house, that they were not very deeply impressed with the necessity of this bill. He never, on any important occasion, saw it so indifferent. Whence could this arise? From the want of importance? If, indeed, the existence of the treaty depended on the passage of this bill, nothing scarcely could be more interesting. It would be calculated to excite strong feelings. We all know how the country was agitated when Jay's treaty was before this house. The question was on an appropriation to carry it into effect; a power acknowledged by all to belong to the house; and on the exercise of which, the existence of the treaty was felt to depend. The feelings manifested corresponded with this conviction. Not so on this occasion. Farther, the treaty has already assumed the form of law. It is so proclaimed to the community; the words of the proclamation are not material; it speaks for itself; and if it means anything, it announces the treaty as a rule of public conduct, as a law exacting the obedience of the people. Were he of the opposite side, if he indeed believed this treaty to be a dead letter till it received the sanction of Congress, he would lay the bill on the table, and move an inquiry into the fact, why the treaty has been proclaimed as a law before it had received the proper sanction. It is true, the Executive has transmitted a copy of the treaty to the house; but has he sent the negotiation? Has he given any light to judge why it should receive the sanction of this body? Do gentlemen mean to say that information is not needed; that though we have the right to pass laws to give validity to treaties, yet we are bound by a moral obligation to pass such laws? To talk of the right of this house to sanction treaties, and at the same time to assert that it is under a moral obligation not to withhold that sanction, is a solecism. No sound mind that understands the terms can possibly assent to it. He would caution the house, while it was extending its powers to cases which he believed did not belong to it, to take care lest it should lose its substantial and undoubted power. He would put it on its guard against the dangerous doctrine, that it can in any case become a mere registering body. Another fact, in regard to this treaty. It does not stipulate that a law should pass to repeal the duties proposed to be repealed by this bill, which would be its proper form, if in the opinion of

the negotiators a law was necessary; but it stipulates in positive terms for their repeal without consulting or regarding us. Mr. C. here concluded this part of the discussion, by stating that it appeared to him, from the whole complexion of the case, that the bill before the house was mere form and not supposed to be necessary to the validity of the treaty. It would be proper, however, he observed, to reply to the arguments which have been urged on the general nature of the treaty-making power, and as it was a subject of great importance, he solicited the attentive hearing of the house. It is not denied, he believed, that the President with the concurrence of two thirds of the Senate have a right to make commercial treaties; it is not asserted that this treaty is couched in such general terms as to require a law to carry the details into execution. Why then is this bill necessary? Because, say gentlemen, that the treaty of itself, without the aid of this bill, cannot exempt British tonnage and goods imported in their bottoms, from the operation of the law, laying additional duties on foreign tonnage and goods imported in foreign vessels; or, giving the question a more general form, because a treaty cannot annul a law. The gentleman from Virginia, (Mr. Barbour,) who argued this point very distinctly, though not satisfactorily, took as his general position, that to repeal a law is a legislative act, and can only be done by law; that in the distribution of the legislative and treaty-making power, the right to repeal a law fell exclusively under the former. How does this comport with the admission immediately made by him, that the treaty of peace repealed the act declaring war? If he admits the fact in a single case, what becomes of his exclusive legislative right? He indeed felt that his rule failed him, and in explanation assumed a position entirely new; for he admitted, that when the treaty did that which was not authorized to be done by law, it did not require the sanction of Congress, and might in its operation repeal a law inconsistent with it. He said, Congress is not authorized to make peace; and for this reason, a treaty of peace repeals the act declaring war. In this position, he understood his colleague substantially to concur. He hoped to make it appear that, in taking this ground, they have both yielded the point in discussion. He would establish, he trusted, to the satisfaction of the house, that the treaty-making power, when it was legitimately exercised, always did that which could not be done by law; and that the reasons advanced to p[r]ve that the treaty of peace repealed the act making war, so far from [b]ng peculiar to that case, apply to all treaties. They do not form an

exception, out in fact constitute the rule. Why then, he asked, cannot Congress make peace? They have the power to declare war. All acknowledge this power. Peace and war are the opposites. They are the positive and negative terms of the same proposition; and what rule of construction more clear, than that when a power is given to do an act, the power is also given to repeal it? By what right do you repeal taxes, reduce your army, lay up your navy, or repeal any law, but by the force of this plain rule of construction? Why cannot Congress, then, repeal the act declaring war? He acknowledged with the gentleman, they cannot consistently with reason. The solution of this question explained the whole difficulty. The reason is plain: one power may make war; it requires two to make peace. It is a state of mutual amity succeeding mutual hostility; it is a state that cannot be created but with the consent of both parties. It required a contract or a treaty between the nations at war. Is this peculiar to a treaty of peace? No, it is common to all treaties. It arises out of their nature, and not from any accidental circumstance attaching itself to a particular class. It is no more or less than that Congress cannot make a contract with a foreign nation. Let us apply it to a treaty of commerce, to this very case. Can Congress do what this treaty has done? It has repealed the discriminating duties between this country and England. Either could by law repeal its own. But by law they could go no farther; and for the same reason that peace cannot be made by law. Whenever, then, an ordinary subject of legislation can only be regulated by contract, it passes from the sphere of the ordinary power of making laws, and attaches itself to that of making treaties, wherever it is lodged. All acknowledge the truth of this conclusion, where the subject on which the treaty operates is not expressly given to Congress. But in other cases, they consider the two powers as concurrent; and conclude from the nature of such powers that such treaties must be confirmed by law. Will they acknowledge the opposite, that laws on such subjects must be confirmed by treaties? And if, as they state, a law can repeal a treaty when concurrent, why not a treaty a law? Into such absurdities do false doctrines lead. The truth is, the legislative and treaty-making power are never in the strict sense concurrent. They both may have the same subject, as in this case commerce; but they discharge functions as different in relation to it in their nature, as their subject is alike. When we speak of concurrent powers, we mean when both can do the same thing; but he contended, that when the two powers under discus-

sion were confined to their proper sphere, not only the law could not do what could be done by treaty, but the reverse was true; that is, they never are nor can be concurrent powers. It is only when we reason on this subject that we mistake; in all other cases the common sense of the house and country decide correctly. It is proposed to establish some regulation of commerce; we immediately inquire, does it depend on our will; can we make the desired regulation without the concurrence of any foreign power; if so, it belongs to Congress, and any one would feel it to be absurd to attempt to effect it by treaty. On the contrary, does it require the consent of a foreign power? Is it proposed to grant a favor for a favor, to repeal discriminating duties on both sides? It is equally felt to belong to the treaty power; and he would be thought insane who would propose to abolish the discriminating duties in any case, by an act of the American Congress. It is calculated, he felt, almost to insult the good sense of the house, to dwell on a point apparently so clear. What then would he infer from what had been advanced? That according to the argument of gentlemen, treaties, producing a state of things inconsistent with the provisions of an existing *law*, annul such provisions. But as he did not agree with them in the view which they took, he would here present his own for consideration. Why then has a treaty the force which he attributes to it? Because it is an act in its own nature paramount to laws made by the common legislative powers of the country. It is in fact a law, and something more, a law established by *contract* between independent nations. To analogize it to private life, law has the same relations to treaty, as the resolution taken by an individual to his contract. An individual may make the most deliberate promise—he may swear it in the most solemn form, that he would not sell his house or any other property he may have; yet, if he would afterwards sell, the sale would be valid in law; he would not be admitted in a court of justice to plead his oath against his contract. Take a case of government in its most simple form, where it was purely despotic, that is, all power lodged in the hands of a single individual. Would not his treaties repeal inconsistent edicts? Let us now ascend from the instances cited, to illustrate the nature of the two powers, to the principle on which the paramount character of a treaty rests. A treaty always affects the interests of two; a law only that of a single nation. It is an established principle of politics and morality, that the interest of the many is paramount to that of the few. In fact, it is a principle so radical, that without it no system of

morality, no rational scheme of government could exist. It is for this reason, that contracts or that treaties, which are only the contracts of independent nations, or to express both in two words, that *plighted faith*, has in all ages and nations been considered so solemn. But it is said, in opposition to this position, that a subsequent law can repeal a treaty; and to this proposition, he understood that the member from N. C. (Mr. Gaston) assented. Strictly speaking, he denied the fact. He knew that a law might assume the appearance of repealing a treaty; but he insisted it was only in appearance, and that, in point of fact, it was not a repeal. Whenever a law was proposed, declaring a treaty void, he considered that the house acted not as a legislative body, but *judicially*. He would illustrate his ideas. If the house is a moral body, that is, if it is governed by reason and virtue, which it must always be presumed to be, the only question that ever could occupy its attention, whenever a treaty is to be declared void, is whether, under all of the circumstances of the case, the treaty is not already destroyed, by being violated by the nation with whom it is made, or by the existence of some other circumstance, if other there can be. The house determines this question, Is the country any longer bound by the treaty? Has it not ceased to exist? The nation passes in judgment on its own contract; and this, from the necessity of the case, as it admits no superior power to which it can refer for decision. If any other consideration moves the house to repeal a treaty, it can be considered only in the light of a violation of a contract acknowledged to be binding on the country. A nation may, it is true, violate its contract; they may even do this under the form of law; but he was not considering what might be done, but what might be rightfully done. It is not a question of power, but of right. Why are not these positions, in themselves so clear, universally assented to? Gentlemen are alarmed at imaginary consequences. They argue not as if seeking for the meaning of the constitution; but as if deliberating on the subject of making one; not as members of the legislature, and acting under a constitution already established, but as that of a convention about to frame one. For his part, he had always regarded the constitution as a work of great wisdom, and, being the instrument under which we existed as a body, it was our duty to bow to its enactments, whatever they may be, with submission. We ought scarcely to indulge a wish that its provisions should be different from what they in fact are. The consequences, however, which appear to work with so much terror on the minds of the

gentlemen, he considered to be without any just foundation. The treaty-making power has many and powerful limits; and it will be found, when he came to discuss what those limits are, that it cannot destroy the constitution, our personal liberty, involve us, without the assent of this house, in war, or grant away our money. The limits he proposed to this power, are not the same, it is true; but they appear to him much more rational and powerful than those which were supposed to present effectual guards to its abuse. Let us now consider what they are. The grant of the power to maketreaties is couched in the most general terms. The words of the constitution are, that the President shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present concur. In a subsequent part of the constitution, treaties are declared to be the supreme law of the land. Whatever limits are imposed on those general terms ought to be the result of the sound construction of the instrument. There appeared to him but two restrictions on its exercise; the one derived from the nature of our government, and the other from that of the power itself. Most certainly all grants of power under the constitution must be controlled by that instrument; for, having their existence from it, they must of necessity assume that form which the constitution has imposed. This is acknowledged to be true of the legislative power, and it is doubtless equally so of the power to make treaties. The limits of the former are exactly marked; it was necessary to prevent collision with similar co-existing state powers. This country is divided into many distinct sovereignties. Exact enumeration here is necessary to prevent the most dangerous consequences. The enumeration of legislative powers in the constitution has relation then not to the treaty power, but to the powers of the state.

In our relation to the rest of the world the case is reversed. Here the States disappear. Divided within, we present the exterior of undivided sovereignty. The wisdom of the constitution appears conspicuous. When enumeration was needed, there we find the powers enumerated and exactly defined; when not, we do not find what would be vain and pernicious. Whatever then concerns our foreign relations; whatever requires the consent of another nation, belongs to the treaty power; can only be regulated by it; and it is competent to regulate all such subjects; provided, and here are its true limits, such regulations are not inconsistent with the constitution. If so they are void. No treaty can alter the fabric of our government, nor can it do that

which the constitution has expressly forbade to be done; nor can it do that differently which is directed to be done in a given mode, and all other modes prohibited. For instance, the constitution says, no money "shall be drawn out of the treasury but by an appropriation made by law." Of course no subsidy can be granted without an act of law; and a treaty of alliance could not involve the country in war without the consent of this house. With this limitation it is easy to explain the case put by my colleague, who said, that according to one limitation a treaty might have prohibited the introduction of a certain description of persons before the year 1808, notwithstanding the clause in the constitution to the contrary. Mr. C. said, that he would speak plainly on this point; it was the intention of the constitution that the slave trade should be tolerated till the time mentioned. It covered him with confusion to name it here; he felt ashamed of such a tolerance, and took a large part of the disgrace, as he represented a part of the Union, by whose influence it might be supposed to have been introduced. Though Congress alone is prohibited by the words of the clause from inhibiting that odious traffic, yet his colleague would admit that it was intended to be a general prohibition on the *government of the Union.* He perceived his colleague indicated his dissent. It will be necessary to be more explicit. Here Mr. C. read that part of the constitution, and showed that the word "Congress" might be left out, in conformity to other parts of the constitution, without injury to the sense of the clause; and he insisted the plain meaning of the parties to the constitution, was, that the trade should continue till 1808, and that a prohibition by treaty would be equally against the spirit of the instrument. Besides these constitutional limits, the treaty power, like all powers, has others derived from its object and nature. It has for its object, contracts with foreign nations; as the powers of Congress have for their object, whatever can be done in relation to the powers delegated to it without the consent of foreign nations. Each in its proper sphere operates with general influence; but when they became erratic, then they were portentous and dangerous. A treaty never can legitimately do that which can be done by law; and the converse is also true. Suppose the discriminating duties repealed on both sides by law, yet what is effected by this treaty would not even then be done; the plighted faith would be wanting. Either side might repeal its law without breach of contract. It appeared to him that gentlemen are too much influenced on this subject by the example of Great Britain.

Instead of looking to the nature of our government, they have been swayed in their opinion by the practice of that government to which we are but too much in the habit of looking for precedents. Much anxiety has recently been evinced to be independent of English broadcloths and muslins; he hoped it indicated the approach of a period when we should also throw off the thraldom of thought. The truth is, but little analogy exists between this and any other government. It is the pride of ours to be founded in reason and equity; all others have originated more or less in fraud, violence, or accident. The right to make treaties in England, can only be determined by the practice of that government; as she has no written constitution. Her practice may be wise in regard to her government, when it would be very imprudent here. Admitting the fact to be, then, that the King refers all commercial treaties affecting the municipal regulations of the country to parliament, for its sanction, the ground would be very feeble to prove that to be the intention of our constitution. Strong difference exists between the forms of the two governments. The king is hereditary; he alone, without the participation of either house of parliament, negotiates and makes treaties; they have no constitution emanating from the people, alike superior to the legislature and the king. Not so here. The president is elected for a short period, he is amenable to the public opinion, he is liable to be impeached for corruption, he cannot make treaties without the concurrence of two thirds of the Senate, a fact very material to be remembered, which body is in like manner responsible to the people at periods not very remote; above all, as the laws and constitution are here perfectly distinct, and the latter is alike superior to laws and treaties, the treaty power cannot change the form of government, or encroach on the liberties of the country, without encroaching on that instrument, which, so long as the people are free, will be watched with vigilance.

In regard to his course upon the treaty question, Mr. Calhoun found himself opposed by nearly all of the Republican members of the House,—by those, too, whose opinions had the greatest weight with him. Mr. Pinkney, of Maryland, the accomplished orator and advocate, took the same ground with Mr. Calhoun, but arrayed against them were the Clays, the Forsyths, the

Lowndes, and the Grundys, the great leaders of the Republican party. With such odds it appeared almost useless to contend; but, in the direction toward which the convictions of his reason and judgment pointed, thither Mr. Calhoun turned his steps, and there his feet were planted. The opinions and the votes of others were not without their influence upon him. He did not act irrespective or regardless of them, but where they did not coincide with his own, they only led him to consider well the position which he had taken.

The true question presented by the action of the House of Representatives upon the commercial convention, was not, as has sometimes been erroneously stated, similar to that which arose upon Jay's treaty, or the Panamá mission. It was not contended by Mr. Calhoun and those who thought with him, that, as the treaty-making power was vested by the constitution in the President and Senate, the House of Representatives had no right to withhold the appropriations, or to refuse to pass the laws, necessary to carry a treaty into effect. The great principle which Madison, Gallatin, and Livingston defended with so much earnestness, and which, at a later day, was maintained with equal zeal by Benton, Van Buren, Forsyth, Hayne, and Woodbury, was not denied, nor called in question, except it might be indirectly and collaterally, during the debate on the commercial convention of 1815. It was rather the application of the principle, than the principle itself, which formed the subject of discussion and dispute. The majority of the Republican members of the House insisted that, inasmuch as the convention stipulated for the equalization of tonnage and duties, so as to place British

vessels on the same footing with American vessels, and as the original law required the sanction of both branches of the legislative power of the government, it was not competent, therefore, for one of them, acting in conjunction with the Executive, to nullify it *pro hac vice*, by means of a treaty, any more than it would be to repeal it absolutely.

Mr. Calhoun, on the other hand, contended, that no legislative provisions were needed, because the convention contemplated only the suspension of the alien disability of British subjects, in respect to the commercial relations between the two countries, in return and as a consideration for a similar suspension by Great Britain in favor of American citizens; that this was a matter peculiarly within the province of the treaty-making power; and that when a treaty having reference to that subject was duly made by the power authorized in the constitution, it became the supreme law of the land, and, by virtue of its own inherent force and authority, suspended the operation of the law imposing the disability, so far as the other party to the treaty was concerned.

Although the views expressed by Mr. Calhoun did not meet with the concurrence of his party friends, except in a few instances, there is every reason for supposing that the President himself entertained similar opinions, —and who was more competent than James Madison to decide a question of this character?—for, simultaneously with the publication of the commercial treaty as ratified, his proclamation was issued, declaring the removal of the restrictions and disabilities in compliance with its provisions. Mr. Madison was constitutionally

averse to the exercise of anything like a doubtful power, and it was only in extreme cases that he could be induced to strengthen the executive arm. This was not such a case; and may it not be inferred, then, that the President did not anticipate further action on the part of Congress—the Senate having already ratified the treaty—nor suppose that any legislative provisions were requisite or necessary.

The question, however, was decided the other way. The bill reported by Mr. Forsyth was sustained in the House by a large majority; but the Senate, anticipating the result, and not at first disposed to acquiesce in the application of the principle with reference to the treaty-making power, contended for by the House, passed a bill, declaring, in general terms, that all laws conflicting with the provisions of the commercial convention with Great Britain should be regarded of no effect, in respect to British subjects or vessels. The latter bill was amended in the House in conformity with the wishes of the majority, and the Senate refused to concur in the amendments. Committees of conference were then appointed, and the difficulty was finally settled by the adoption, substantially, of the provisions of the original House bill; and the law, as enacted, referred particularly to such acts as imposed "a higher duty of tonnage or of impost on vessels and articles imported in vessels of Great Britain than on vessels and articles imported in vessels of the United States." The principle, if principle it may be called, insisted upon by Mr. Forsyth and those who agreed with him in sentiment, thus became established as a precedent, which has been generally observed in the legislation of the country.

Prominent among the unfortunate results of the war of 1812, was the prostration of public and private credit. For a long course of years anterior to the commencement of hostilities, the policy pursued by England and France had been decidedly injurious to American commerce; and all the other great interests of the country, from their connection with and dependence upon it, were necessarily more or less affected by the same cause, and in a similar manner. When war was declared, business was generally depressed, and it did not revive again till the conclusion of the treaty of peace. The contest was emphatically one of self-defence on the part of the United States,—the very existence of the government was jeoparded,—and when she came out of the struggle, she had saved little more than her nationality and her honor.

It cannot be doubted that the opposition of the federal party to the war, and to the measures connected with its prosecution brought forward by the friends of the administration, tended very much to increase the embarrassments under which the government, and the people themselves, so long labored. But the main cause of all these difficulties was the "peace like a war," which followed the Orders in Council and the Berlin and Milan decrees, and whose disastrous consequences were witnessed more clearly and distinctly immediately after the actual declaration of war. The banks soon suspended specie payments, and immense losses were sustained by the government and by private individuals,—those of the former amounting, as has been estimated, to forty-six millions of dollars.* Loans

* Report of Mr. McDuffie on the United States Bank (House of Representatives), April 13, 1830

for carrying on the war were made with great difficulty, and often at most ruinous rates. As the currency depreciated, the exchanges became deranged, and the prices of property rose and fell without any seeming regard for the laws which usually govern them. There was no financial barometer to indicate the changes that would take place. The nominal value of to-day might be increased or reduced from twenty-five to thirty per cent to-morrow, without any ostensible cause. A want of steadiness prevailed everywhere; the stagnation of business was general; commerce was completely disordered; and hopeless and irremediable bankruptcy was apprehended. The government struggled for a time against the tide, but was finally borne along to the very verge of the abyss upon which it hovered when the treaty of Ghent was signed.

What would have been the ultimate effect of the impending evils, had the war continued, it is impossible to say with certainty; but the country would either have rallied as one man to the support of the government, and by a display of its united, and when united, invincible, energies, terminated the contest still more gloriously; or disaffection and division would have spread further and wider, and involved everything in general ruin.

When peace was declared, the actual resources of the country were found to be far more abundant and more promising than had been anticipated, and the substantial elements of wealth and prosperity were not seriously diminished. But in order to render these available, it was evident that some plan must be de-

vised for procuring relief from the present embarrassments. They formed an incubus on the body politic which it was necessary to remove before activity and vigor could return. Many of the most eminent financiers, forming their opinions upon the favorable effect produced, as was alleged, by the incorporation of a national bank in 1791, upon the disordered commerce and finances of the country at that period, desired to have a similar institution established, for the purpose of correcting the evils flowing from the war of 1812, in the same manner as those were corrected which grew out of the war of the Revolution.

Indeed, the question of renewing the charter of 1791 was agitated during the administration of Mr. Jefferson. In 1808 the stockholders of the old bank applied to Congress for a new act of incorporation, and their memorial was referred to the Secretary of the Treasury, Mr. Gallatin. That officer made his report in March, 1809, and recommended, in strong and decided terms, the reincorporation of the bank. But the Republicans were then in a large majority; Mr. Jefferson was well known to be opposed to a national bank, on constitutional grounds, while his successor, Mr. Madison, entertained similar scruples; and such being the opinions of the leaders of the party, the proposition was not favorably considered. A bill was reported at the session of 1809–10, but no final action was had upon it. The subject was revived the following year, and bills providing for the renewal of the charter were introduced into both houses of Congress. In the House of Representatives the matter was disposed of by a vote of indefinite postponement, and the Senate bill

was lost by the casting vote of the vice-president. The question was not then made a party one, although a majority of the Republican members appeared to doubt the constitutionality of the charter proposed to be renewed. Of all the members of Congress, however, belonging to both parties, on the "simple question of constitutionality, there was a decided majority in favor of it."*

All the efforts to procure a renewal of the charter of the old bank having failed, they rested undisturbed until the session of 1813–14, when a petition was presented in the House of Representatives from the city of New York, praying for the incorporation of a national bank, with a capital of thirty millions of dollars. The memorial was referred to the committee of ways and means, who reported adversely to the prayer of the petition. The subjects of banking and the currency in general had attracted the attention of Mr. Calhoun to a considerable degree, but they were yet comparatively new to him. At this time he was favorably impressed toward a national bank. The constitutional question seemed to him to have been disposed of by the legislative precedents affirming the right in the general government to charter such an institution, yet it does not appear that he was entirely decided in his mind in regard to this point, for the overruling consideration with him undoubtedly was, that a bank was absolutely necessary, in his judgment, to relieve the country from the existing embarrassments. Without it, as he and others thought, the powers expressly granted to the general government could not be exercised, and a bank

* Letter of Mr. Madison to Mr. C. J. Ingersoll, June 25, 1831.

was therefore to be regarded as a mere agent requisite to the proper and appropriate exercise of those powers.

The adverse report of the committee of ways and means was made in January, 1814, and on the 4th of February following, Mr. Calhoun offered a resolution instructing the committee of ways and means to inquire into the expediency of establishing a bank in the District of Columbia. The committee had reported against the petition from New York, on the ground that the constitution did not authorize the creation of corporations within the territorial limits of the states. This constitutional difficulty Mr. Calhoun desired to avoid, and for all practical purposes he thought a bank located in the district would be as useful as that which had been proposed in the petition. His resolution was agreed to without opposition, and on the 19th of February, the committee reported a bill for the establishment of a national bank in the District of Columbia, with a capital of thirty millions of dollars. The principle of this bill was approved by Mr. Calhoun, Mr. Cheves, and Mr. Grundy, and opposed by Mr. Eppes, the chairman of the committee of ways and means and the son-in-law of Mr. Jefferson, and by Mr. Seybert of Pennsylvania. Others also disapproved of the bill, for the reason that it contained no provision for the establishment of branches in the states. A motion was therefore made to engraft this feature on it, which received only thirty-six votes, whereupon no further action was had in the premises.

But the finances of the nation were in an alarming condition. The public credit was depreciating almost daily. A loan of twenty-five millions had just been

authorized; but treasury notes were seventeen per cent., and government stock thirty per cent., below par. It was difficult to withstand the influences constantly urging the members of Congress toward a national bank as the great panacea which would surely relieve the country from the disease under which it was suffering. Accordingly, a resolution was introduced near the close of the session, providing for the appointment of a committee to inquire into the expediency of establishing a national bank. The Federal members, with a portion of the Republicans, supported a motion to postpone the resolution indefinitely. The motion was lost, Mr. Calhoun voting in the negative, and the committee was appointed. Of this committee Mr. Calhoun was a member. It was now near the close of the session, and it was found impossible to harmonize the conflicting opinions and views prevailing in the committee in time to perfect a bill, wherefore, on motion of Mr. Grundy, the chairman, they were discharged without making any report.

Congress was again called together in September, 1814, and on the 18th day of October, a copy of a letter addressed by the Secretary of the Treasury, Mr. Dallas of Pennsylvania, to the chairman of the committee of ways and means, in reply to an inquiry as to the means necessary to revive and maintain, unimpaired, the public credit, was laid before the House of Representatives. Among other suggestions, Mr. Dallas recommended the establishment of a national bank as "the only efficient remedy for the disordered condition of the circulating medium." The leading features of the plan of the Secretary were a bank to

be located at Philadelphia, with power to erect offices of discount and deposit elsewhere, whose charter was to continue for a period of twenty years; the capital to be fifty millions of dollars, three fifths of which were to be subscribed by corporations, companies, or individuals, and two fifths by the United States; the subscriptions of corporations, companies, or individuals, to be paid one fifth in gold or silver coin, and the remainder either in gold or silver coin, or in six per cent. stock and treasury notes; the subscription of the United States to be paid in six per cent. stock; the bank to loan the United States thirty millions of dollars to carry on the war, at such period, and in such sums, as might be convenient, and to be exempt from any obligation to pay specie during the war, and for three years after its termination.

The plan proposed by Mr. Dallas was approved by the President, and great efforts were made to induce members to regard it favorably. Mr. Calhoun, among others, was urgently solicited to examine the project carefully, and if satisfactory to him, to give it his support. Considering the object had in contemplation—the maintenance of the public credit—Mr. Dallas' plan was doubtless well calculated to accomplish the desired end. But predisposed as was Mr. Calhoun to a national institution of this character, an examination of the plan disclosed features as odious as were those revealed to the fair priestess of Bokhara, when the silver veil of Mokanna was flung aside from his foul visage. Stripped of all disguise, it was a vast government engine—a gigantic project for loaning the credit of the government to itself—a scheme for the incorporation

of the creditors of the United States with power to issue notes irredeemable in specie, which were to be received in payment of government dues, upon loans at six per cent., on a capital or basis of stock upon which they were receiving all the while, on an average, at least eight per cent.

Mr. Calhoun had enjoyed a large share of the confidence and regard of President Madison, but he could not sanction this measure. The subject was discussed in the House, and he voted for a resolution declaring that it was "expedient to establish a national bank, with branches in the several states;"* but further than that he could not go upon this question. The general principle of incorporating a bank met with his approbation, but the plan before the House was in all its prominent features exceptionable in his estimation.

On the 7th of November the committee of ways and means reported a bill, in conformity with the resolution of the House, to incorporate the subscribers to the Bank of the United States. A long and interesting debate ensued upon the merits of the question, Mr. Calhoun remaining silent until the second section of the bill, which contained the objectionable features, was under consideration. He addressed the House on the 16th of November, in an elaborate speech, setting forth the reasons of his opposition to the bill in its present shape, and the outlines of a plan which he had himself prepared as a substitute for the former. The outlines of Mr. Calhoun's project were: "The capital of the bank remaining unchanged, at fifty millions, the

* Journal of the House of Representatives, 3d session, 13th Congress, pp. 504, 505.

payments of subscriptions to this capital stock to be made in the proportion of one tenth in specie, (which he afterward varied to six fiftieths) and the remainder in specie, or in treasury notes, to be hereafter issued; subscriptions to be opened monthly, in the three last days of each month, beginning with January next [1815] for certain proportions of the stock, until the whole is subscribed; payment to be made at the time of subscribing; the shares to consist of one hundred, instead of five hundred dollars, each; the United States to hold no stock in the bank, have no agency in its disposal, nor control over its operations, nor right to suspend specie payments. The amount of treasury notes to be subscribed, viz., forty-five millions, to be provided for by future acts of Congress, and to be disposed of in something like the following way, viz.: Fifteen millions of the amount to be placed in the hands of the agents, appointed for the purpose, or in the hands of the present commissioners of the sinking fund, to go into the stock market, to convert the treasury notes into stock; another sum, say five millions, to be applied to the redemption of the treasury notes becoming due at the commencement of the ensuing year; the remaining twenty millions he proposed to throw into circulation as widely as possible. They might be issued in such proportions, monthly, as to be absorbed in the subscriptions to the bank, at the end of each month, &c. This operation, he presumed, would raise the value of treasury notes, perhaps twenty or thirty per cent. above par, being the value of the privilege of taking the bank stock, and thus afford, at the same time, a bonus and an indirect loan to the govern-

ment; making unnecessary any loan by the bank, until its extended circulation of paper shall enable it to make a loan which shall be advantageous to the United States. The treasury notes so to be issued to be redeemable in stock, at six per cent., disposable by the bank at its pleasure, and without the sanction of government; to whom neither is the bank to be compelled to loan any money. This, it is believed, is, in a few words, a fair statement of the *projét* of Mr. Calhoun, which he supported by a variety of explanations of its operations, &c.; the notes of the bank, when in operation, to be received exclusively in the payment of all taxes, duties and debts, to the United States. The operation of this combined plan, Mr. C. conceived, would be to afford, 1. Relief from the immediate pressure on the treasury; 2. A permanent elevation of the public credit; and 3. A permanent and safe circulating medium of general credit. The bank should go into operation, he proposed, in April next [1815.]"*

The main features of Mr. Calhoun's plan,—the establishment of a specie-paying bank, and the use of the government of its own credit directly in the shape of treasury notes, to be afterward funded in the bank in the form of stock,—did him great honor. It was attacked, however, by Mr. Fisk, Mr. Forsyth, and other leading administration members, who contended that the present absorption of the United States' stock should be provided for, and that the circulation and disposal of such an immense mass of treasury notes would be attended with great difficulty. In the defence of his project, Mr. Calhoun received the coöperation of his

* History of the Bank of the United States, p. 495.

gifted colleague, Mr. Lowndes, and was likewise ably seconded by Mr. Oakley of New York. The substitute was finally adopted, instead of the original plan reported by the committee, by a very large majority, but it was in its turn defeated, probably through the influence of the Secretary of the Treasury, who expressed himself very strongly against the issue of so large an amount of treasury notes as was contemplated.*

Another bill was then perfected in the Senate, conforming substantially to the recommendations of Mr. Dallas, and containing a clause empowering the proposed bank to suspend specie payments in certain contingencies during the war and one year thereafter. Repeated efforts were made in the House, by Mr. Calhoun and others, to amend the bill in such a manner as that the bank would be a specie-paying institution, but they all failed of success. On taking the final vote on the passage of the bill, there was a tie. Mr. Calhoun voted in the negative against the bill. The Speaker, Mr. Cheves, now availed himself of his privilege, and voted in the negative; consequently the bill was declared lost.

All parties, however, appeared to be in favor of the passage of the bank bill, and it still seemed possible to reconcile the conflicting opinions. A third effort was therefore made by the adoption of a motion to reconsider the last vote. Mr. Calhoun voted for the reconsideration, though at the same time declaring that he was totally opposed to the bill. It was then amended by reducing the capital stock, and striking out the forced

* The capital stock of the bill had previously been reduced to thirty millions of dollars.

loan feature, and the section authorizing the suspension of payments in specie. As amended, the bill passed the House on the 7th of January, 1815, by a vote of 120 to 37, Mr. Calhoun voting in its favor. The Senate after some hesitation concurred in the amendments, and the bill was sent to the President, who returned it with his objections—based, not on the unconstitutionality of the measure, but on the ground that it would not afford the necessary relief to the treasury.

The session was now rapidly wearing away, and nothing had been done. Still another effort was therefore made to pass a bill. Mr. Calhoun was urgently entreated by many of his warmest friends to cease his opposition to the plan of the Secretary of the Treasury. The often-cited maxim, "*inter arma silent leges—necessitas non habet legem*," was repeatedly uttered in his hearing. But he steadily resisted every importunity, and with that proud independence of party obligations, which ever characterized him, refused to yield a single one of his dearly-cherished principles.

A new bill, according very nearly with the project originally recommended by Mr. Dallas, was promptly passed in the Senate, on the 11th day of February, and forthwith sent to the House. Intelligence of the conclusion of the treaty of peace had now been received, and as the necessity for the adoption of the measure was not so imminent, on motion of Mr. Lowndes, the bill was indefinitely postponed, in order to give time for that reflection necessary to produce harmonious action. Though disapproving of the bill, Mr. Calhoun voted against the postponement.

At the following session of Congress, commencing in

December, 1815, the President recommended, in his annual message, that a uniform national currency should in some way be provided, and the Secretary of the Treasury repeated his suggestions, in a somewhat modified form, in regard to a national bank. That portion of the President's message having reference to a uniform national currency, was referred to a select committee of which Mr. Calhoun was made chairman. The restoration of peace and tranquillity had removed many of the causes which had induced the insertion of the objectionable features in previous bank bills, and there seemed now to be but very little diversity of opinion.

On the 8th of January, 1816, Mr. Calhoun made an able and elaborate report from the committee on the currency, accompanied with a bill for the incorporation of a national bank, as "the most certain means of restoring to the nation a specie currency." This bill, with some few modifications, subsequently became a law, and was known as the bank charter of 1816.

The currency question was justly regarded as the most difficult one considered at this important session. "All the banks of the states south of New England had, at an early period of the war, stopped payment, and gold and silver had entirely disappeared, leaving within their limits no other currency than the notes of banks, that either would not or could not redeem them. Government was forced to submit, and not only to collect its taxes and dues, and make its disbursements, and negotiate its loans in their discredited and depreciated paper, but also to use them, at the same time, as the agents of the treasury and depositories of its funds.

At first the depreciation was inconsiderable, but it continued to increase, though unequally, in the different portions of the Union to the end of the war. It was then hoped it would stop; but the fact proved far otherwise; for the progress of depreciation became more rapid and unequal than ever. It was greatest at the centre (the District of Columbia and the adjacent region), where it had reached 20 per cent., as compared with Boston; nor was there the least prospect that it would terminate of itself. It became absolutely necessary, in this state of things, for the government to adopt the rule of collecting its taxes and dues in the local currency of the place, to prevent that which was most depreciated from flooding the whole Union; for the public debtors, if they had the option, would be sure to pay in the most depreciated. But the necessary effect of this was to turn the whole import trade of the country towards the Chesapeake Bay, the region where the depreciation was the greatest. By making entry there, the duties could be paid in the local depreciated currency, and the goods then shipped where they were wanted. The result of the rule, though unavoidable, was to act as a premium for depreciation. It was impossible to tolerate such a state of things. It was in direct hostility to the constitution, which provides that 'all duties, imposts, and excises shall be uniform throughout the United States,' and that 'no preference shall be given by any regulation of commerce or revenue to the ports of one state over another.' Thus the only question was, What shall be done?

"The administration was in favor of a bank, and the President (Mr. Madison) recommended one in his

Message at the commencement of the session. The great body of the Republican party in Congress concurred in the views of the administration, but there were many of them who had, on constitutional grounds, insuperable objections to the measure. These, added to the Federal party, who had been against the war, and were, in consequence, against a bank, constituted a formidable opposition.

"Mr. Calhoun, whose first lesson on the subject of banks, taken at the preceding session, was not calculated to incline him to such an institution, was averse in the abstract, to the whole system; but perceiving then no other way of relieving government from its difficulties, he yielded to the opinion that a bank was indispensable. The separation of the government and the banks was at that time out of the question. A proposition of the kind would have been rejected on all sides. Nor was it possible then to collect the taxes and dues of the government in specie. It had been almost entirely expelled the country; there appeared to be no alternative but to yield to a state of things to which no radical remedy could at that time be applied, and to resort to a bank to mitigate the evils of a system which in its then state was intolerable. This, at least, was the view which Mr. Calhoun took, and which he expressed in his speech on taking up the bill for discussion."*

The speech of Mr. Calhoun was delivered on the 26th of February. It was decidedly one of his ablest efforts, and occupied nearly three hours in its delivery. A full report of it has not been preserved, but the fol-

* Memoir of Mr. Calhoun, 1843.

lowing synopsis will give the reader some idea of its character:

SPEECH ON THE BANK BILL,

Mr. Calhoun rose to explain his views of a subject so interesting to the republic, and so necessary to be correctly understood, as that of the bill now before the committee. He proposed at this time only to discuss general principles, without reference to details. He was aware, he said, that principle and detail might be united; but he should at present keep them distinct. He did not propose to comprehend in this discussion, the power of Congress to grant Bank Charters; nor the question whether the general tendency of banks was favorable or unfavorable to the liberty and prosperity of the country; nor the question whether a National Bank would be favorable to the operations of the government. To discuss these questions, he conceived, would be a useless consumption of time. The constitutional question had been already so freely and frequently discussed, that all had made up their mind on it. The question whether banks were favorable to public liberty and prosperity, was one purely speculative: The fact of the existence of banks, and their incorporation with the commercial concerns and industry of the nation, proved that inquiry to come too late. The only question was, on this hand, under what modifications were banks most useful, and whether the United States ought or ought not to exercise the power to establish a bank. As to the question whether a National Bank would be favorable to the administration of the finances of the government, it was one on which there was so little doubt, that gentlemen would excuse him if he did not enter into it. Leaving all these questions then, Mr. C. said, he proposed to examine the cause and state of the disorders of the national currency, and the question whether it was in the power of Congress, by establishing a National Bank, to remove those disorders. This, he observed, was a question of novelty and vital importance; a question which greatly affected the character and prosperity of the country.

As to the state of the currency of the nation, Mr. C. proceeded to remark—that it was extremely depreciated, and in degrees varying according to the different sections of the country, all would assent. That this state of the currency was a stain on public and private credit, and injurious to the morals of the community, was so clear a position as to

require no proof. There were, however, other considerations arising from the state of the currency not so distinctly felt, not so generally assented to. The state of our circulating medium was, he said, opposed to the principles of the federal constitution. The power was given to Congress by that instrument in express terms to regulate the currency of the United States. In point of fact, he said, that power, though given to Congress, is not in their hands. The power is exercised by banking institutions, no longer responsible for the correctness with which they manage it. Gold and silver have disappeared entirely; there is no money but paper money, and that money is beyond the control of Congress. No one, he said, who referred to the constitution, could doubt that the money of the United States was intended to be placed entirely under the control of Congress. The only object the framers of the constitution could have in view in giving to Congress the power "to coin money, regulate the value thereof and of foreign coin," must have been, to give a steadiness and fixed value to the currency of the United States. The state of things at the time of the adoption of the constitution, afforded Mr. C. an argument in support of his construction. There then existed, he said, a depreciated paper currency, which could only be regulated and made uniform by giving a power for that purpose to the general government: The states could not do it. He argued, therefore, taking into view the prohibition against the states issuing bills of credit, that there was a strong presumption this power was intended to be exclusively given to Congress. Mr. C. acknowledged there was no provision in the constitution by which states were prohibited from creating the banks which now exercised this power; but, he said, banks were then but little known—there was but one, the Bank of North America, with a capital of only 400,000 dollars; and the universal opinion was, that bank notes represented gold and silver, and that there could be no necessity to prohibit banking institutions under this impression, because their notes always represented gold and silver, and they could not be multiplied beyond the demands of the country. Mr. C. drew the distinction between banks of deposit and banks of discount, the latter of which were then but little understood—and their abuse not conceived until demonstrated by recent experience. No man, he remarked, in the Convention, much talent and wisdom as it contained, could possibly have foreseen the course of these institutions; that they would have multiplied from one to two hundred and sixty; from a capital of 400,000 dollars to one

of eighty millions; from being consistent with the provisions of the constitution, and the exclusive right of Congress to regulate the currency, that they would be directly opposed to it; that so far from their credit depending on their punctuality in redeeming their bills with specie, they might go on ad infinitum in violation of their contract, without a dollar in their vaults. There had, indeed, Mr. C. said, been an extraordinary revolution in the currency of the country. By a sort of under-current, the power of Congress to regulate the money of the country had caved in, and upon its ruin had sprung up those institutions which now exercised the right of making money for and in the United States—for gold and silver are not the only money, but whatever is the medium of purchase and sale, in which bank paper alone was now employed, and had, therefore, become the money of the country. A change, great and wonderful, has taken place, said he, which divests you of your rights, and turns you back to the condition of the revolutionary war, in which every state issued bills of credit, which were made a legal tender, and were of various value.

This then, Mr. C. said, was the evil. We have in lieu of gold and silver a paper medium, unequally but generally depreciated, which affects the trade and industry of the nation; which paralyzes the national arm; which sullies the faith, both public and private, of the United States; a paper no longer resting on gold and silver as its basis. We have indeed laws regulating the currency of foreign coin; but they are under present circumstances a mockery of legislation, because there is no coin in circulation. The right of making money, an attribute of sovereign power, a sacred and important right, was exercised by two hundred and sixty banks, scattered over every part of the United States, not responsible to any power whatever for their issues of paper. The next and great inquiry was, he said, how this evil was to be remedied? Restore, said he, these institutions to their original use; cause them to give up their usurped power; cause them to return to their legitimate office of places of discount and deposit; let them be no longer mere paper machines; restore the state of things which existed anterior to 1813, which was consistent with the just policy and interests of the country; cause them to fulfil their contracts, to respect their broken faith; resolve that everywhere there shall be an uniform value to the national currency; your constitutional control will then prevail.

How, then, he proceeded to examine, was this desirable end to be

attained? What difficulties stood in the way? The reason why the banks could not now comply with their contract was that conduct which in private life frequently produces the same effect. It was owing to the prodigality of their engagements without means to fulfil them; to their issuing more paper than they could possibly redeem with specie. In the United States, according to the best estimation, there were not in the vaults of all the banks more than fifteen millions of specie, with a capital amounting to about eighty-two millions of dollars: hence the cause of the depreciation of bank notes—the excess of paper in circulation beyond that of specie in their vaults. This excess was visible to the eye, and almost audible to the ear; so familiar was the fact, that this paper was emphatically called *trash* or *rags*. According to estimation, also, he said, there were in circulation at the same date, within the United States, two hundred millions of dollars of bank notes, credits, and bank paper, in one shape or other. Supposing thirty millions of these to be in possession of the banks themselves, there were perhaps one hundred and seventy millions actually in circulation, or on which the banks draw interest. The proportion between the demand and supply which regulates the price of everything, regulates also the value of this paper. In proportion as the issue is excessive, it depreciates in value—and no wonder, when, since 1810 or 1811, the amount of paper in circulation had increased from eighty or ninety to two hundred millions. Mr. C. here examined the opinion entertained by some gentlemen, that bank paper had not depreciated, but that gold and silver had appreciated, a position he denied by arguments founded on the portability of gold and silver, which would equalize their value in every part of the United States, and on the facts that gold and silver coin had increased in quantity instead of diminishing, and that the exchange with Great Britain had been (at gold and silver value) for some time past in favor of the United States. Yet, he said, gold and silver were leaving our shores. In fact, we have degraded the metallic currency; we have treated it with indignity, it leaves us, and seeks an asylum on foreign shores. Let it become again the basis of bank transactions, and it will revisit us. Having established, as he conceived, in the course of his remarks, that the excess of paper issue was the true and only cause of depreciation of our paper currency, Mr. C. turned his attention to the manner in which that excess had been produced. It was intimately connected with the suspension of specie payments; they stood as cause and effect: first, the excessive issues caused the suspension of specie

payments; and advantage had been taken of that suspension to issue still greater floods of it. The banks had undertaken to do a new business, uncongenial with the nature of such institutions: they undertook to make long loans to government, not as brokers, but as stockholders—a practice wholly inconsistent with the system of specie payments. After showing the difference between the ordinary business of a bank in discounts, and the making loans for twelve years, Mr. C. said, indisputably the latter practice was a great and leading cause of the suspension of specie payments. Of this species of property (public stock) the banks in the United States held on the 30th day of September last, about eighteen and a half millions, and a nearly equal amount of Treasury Notes, besides stock for long loans made to the state governments, amounting altogether to within a small amount of forty millions, being a large proportion of their actual capital. This, he said, was the great cause of the suspension of specie payments. Had the banks (he now discussed the question) the capacity to resume specie payments? If they have *the disposition*, he said, they may resume specie payments. The banks are not insolvent, he said: they never were more solvent. If so, the term itself implies, that, if time be allowed them, they may before long be in a condition to resume payment of specie. If the banks would regularly and consentaneously begin to dispose of their stock, to call in their notes for the Treasury Notes they have, and moderately curtail their private discounts; if they would act in concert in this manner, they might resume specie payments. If they were to withdraw by the sale of a partonly of their stock and Treasury Notes, twenty-five millions of their notes from circulation, the rest would be appreciated to par, or nearly, and they would still have fifteen millions of stock disposable to send to Europe for specie, &c. With thirty millions of dollars in their banks, and so much of their paper withdrawn from circulation, they would be in a condition to resume payments in specie. The only difficulty, that of producing concert, was one which it belonged to Congress to surmount. The indisposition of the banks, from motives of interest, obviously growing out of the vast profits most of them have lately realized, by which the stockholders have realized from twelve to twenty per cent. on their stock, would be, he showed, the greatest obstacle. What, he asked, was a bank? An institution, under present uses, to make money. What was the instinct of such an institution? Gain, gain; nothing but gain: and they would not willingly relinquish their gain from the present state of things, which was profitable to them,

acting as they did without restraint, and without hazard. Those who believe that the present state of things would ever cure itself, Mr. C. said, must believe what is impossible: banks must change their nature, lay aside their instinct, before they will aid in doing what it is not their interest to do. By this process of reasoning, he came to the conclusion, that it rested with Congress to make them return to specie payments, by making it their interest to do so. This introduced the subject of the National Bank.

A national bank, he said, paying specie itself, would have a tendency to make specie payments general, as well by its influence as by its example. It will be the interest of the national bank to produce this state of things, because otherwise its operations will be greatly circumscribed, as it must pay out specie or national bank notes: for he presumed one of the first rules of such a bank would be to take the notes of no bank which did not pay in gold and silver. A national bank of thirty-five millions, with the aid of those banks which are at once ready to pay specie, would produce a powerful effect all over the Union. Further, a national bank would enable the government to resort to measures which would make it unprofitable to banks to continue the violation of their contracts, and advantageous to return to the observation of them. The leading measure of this character would be to strip the banks refusing to pay specie of all the profits arising from the business of the government, to prohibit deposits with them, and to refuse to receive their notes in payment of dues to the government. How far such measures would be efficacious in producing a return to specie payments, he was unable to say—but it was as far as he would be willing to go at the present session. If they persisted in refusing to resume payments in specie, Congress must resort to measures of a deeper tone, which they had in their power.

The restoration of specie payments, Mr. C. argued, would remove the embarrassments on the industry of the country, and the stains from its public and private faith. It remained to see whether this house, without whose aid it was in vain to expect success in this object, would have the fortitude to apply the remedy. If this was not the proper remedy, he hoped it would be shown by the proposition of a proper substitute, and not opposed by vague and general declamation against banks. The disease, he said, was deep; it affected public opinion—and whatever affects public opinion touches the vitals of the government. Hereafter, he said, Congress would never stand in the same relation to this meas-

ure in which they now did. The disease arose in time of war—the war had subsided, but left the disease, which it was now in the power of Congress to eradicate—but, if they did not now exercise the power, they would become abettors of a state of things which was of vital consequence to public morality, as he showed by various illustrations. He called upon the house, as guardians of the public weal, of the health of the body politic which depended on the public morals, to interpose against a state of things which was inconsistent with either. He appealed to the house, too, as the guardians of public and private faith. In what manner, he asked, were the public contracts fulfilled? In gold and silver, in which the government had stipulated to pay? No; in paper issued by these institutions; in paper greatly depreciated; in paper depreciated from five to twenty per cent. below the currency in which the government had contracted to pay, &c. He added another argument—the inequality of taxation, in consequence of the state of the circulating medium, which, notwithstanding the taxes were laid with strict regard to the constitutional provision for their equality, made the people in one section of the Union pay perhaps one fifth more of the same tax than those in another. The constitution having given Congress the power to remedy these evils, they were, he contended, deeply responsible for their continuance.

The evil he desired to remedy, Mr. C. said, was a deep one; almost incurable, because connected with public opinion, over which banks have a great control—they have, in a great measure, a control over the press; for proof of which he referred to the fact, that the present wretched state of the circulating medium had scarcely been denounced by a single paper within the United States. The derangement of a circulating medium, he said, was a joint thrown out of its socket; let it remain for a short time in that state, and the sinews will be so knit, that it cannot be replaced—apply the remedy soon, and it is an operation easy though painful. The evil grows, whilst the resistance to it becomes weak; and, unless checked at once, will become irresistible. Mr. C. concluded the speech of which the above is a mere outline, which the imagination of the reader must fill up, by observing, that he could have said much more on this important subject, but he knew how difficult it was to gain the attention of the house to long addresses.

The foregoing is, indeed, but a meagre sketch of

Mr. Calhoun's speech, yet it will suffice to show his position at that period. The question of the constitutionality of a national bank he did not consider. He seems to have regarded it as a settled one, and advocated the incorporation of a bank as a matter of necessity and expediency,—as "the only adequate resource," in the language of President Madison, "to relieve the country and the government from the present embarrassment." It was necessary, to enable the government to provide a constitutional currency for the people, and highly expedient as one of the features in a general system of preparation against the manifold evils arising out of a state of war from which the country had just escaped.

Mr. Calhoun defended the bill throughout the whole debate with great ability, and it finally passed the House on the 14th of March, 1816, by a vote of 80 to 71, his name being recorded in favor of its passage The bill likewise received a favorable vote in the Senate, and being approved by the President, became the law of the land.

CHAPTER V.

Changes in Politics—Consistency of Mr. Calhoun—Resolution of 1816—The Direct Tax—Speech—Tariff Act of 1816—Views of Mr. Calhoun—Principle of the Law—The Military Academy—The Compensation Act—Temporary Displeasure of his Constituents—Internal Improvements—Veto of Mr. Madison.

How true is it that there are no absolute rules in politics,—that the occasion often serves to establish the principle, rather than the principle to govern the occasion.

Truth has no attribute—not her simplicity nor her beauty—more lovely than her consistency with herself. Her principles are unchanging and unchangeable,—

"The eternal years of God are hers!"

The great laws of Nature endure forever; they are as permanent and as immovable as He who established them. The earth and its sister orbs, although ages have elapsed since the period of their creation, continue to move on in the courses to which they have been accustomed from the beginning. The bow of promise displays the same gorgeous colors, as when it first broke, like some blessed vision, on the raptured gaze of Noah and his family. One season is succeeded by another, in the appointed order. The storm alternates with the sunshine, the flower blossoms and per-

ishes, and life and vigor are followed by decrepitude and decay; yet all is in accordance with a system, a harmony, and a law.

But whatever bears the impress of humanity, or is of human invention, is constantly altering its character, and presenting itself in some new shape or appearance. Two spirits—the spirit of preservation and the spirit of destruction—are continually warring against each other. Conservatism and Progress, like the good and the bad angel, are ever striving for the ascendency; the former clinging with tenacity to whatsoever the past has hallowed, and the latter gaining ground inch by inch and foot by foot. Things old and venerable are every day being supplanted by strange inventions. "Revolution" is not merely the impressive catch-word of the *Frondeur* or the rebel, and designed to arouse the oppressed to resistance; its influence is everywhere visible, and is everywhere felt. Innovation is not now confined to powder, wigs, curls, hoops, and the thousand and ten thousand appendages which have been invented by fashion, sometimes to make up for the deficiencies of the outer man and the outer woman, but oftener to mar and spoil the fair proportions of the Almighty's handiwork:—it is a governing, and a controlling power, in the court and in the cabinet; it rules in the humble cottage of the laborer and in the splendid mansion of the millionaire; it presides in the ball-room and at the fête, in the council-chamber and at the political convention; it is with the farmer at his plough, the artisan in his workshop, the beauty at her toilet, the scholar in his study, the judge on the bench, and the statesman in his closet.

"Times change and men change with them"—is, if anything, truer at this day than it was nineteen hundred years ago. It is very common to decry politicians who act from motives of expediency,—entirely regardless of the fact that there are two classes of such motives, the one base and selfish, and the other honorable and praiseworthy. He cannot be a just, or an enlightened statesman, who adheres to ancient forms and precedents, indifferent to the age in which he lives, and to the circumstances by which he is surrounded. A great principle, indeed, is too important to be idly sacrificed, yet it may be made to conform to the changes daily taking place in the condition and in the relations of men, without sacrificing any portion of its spirit. Hence, it is not to be regretted, that there are no absolute rules in politics; and the statesman who feels compelled by the force of causes which he cannot control, to alter the system of policy which he has advocated, or to substitute one measure for another which he has favored, though still watching closely the principles, which, as beacon lights, have guided his course, deserves far more of honor than of censure.

Few among modern statesmen, have maintained a higher character for consistency than Mr. Calhoun. As has been remarked, he set aside the question of the constitutionality of a national bank, when the subject was first presented to him, and advocated the establishment of such an institution, in order to put an end to the suspension of specie payments, and to restore to the people the national currency—that of gold and silver—alone recognized by the constitution, of which they had been for years deprived. He never lost sight

of this great principle in regard to the constitutional currency, and in furtherance of it, earnestly supported, and voted for, the resolution of 1816, which provided that specie, or the notes of banks paying specie, should alone be received in payment of government dues. This was the first step taken toward the entire separation of the general government from the banking system,—a measure which he lived to see accomplished, and, in no small degree, through his own disinterested and untiring efforts. The immediate effect produced by the incorporation of the bank in 1816, and the adoption of the specie resolution, was salutary; and through their agency, the currency of the country was soon brought back, as Mr. Calhoun desired, to the specie standard.

Two other most important questions, intimately connected with each other, and with the finances of the country, were agitated at the session of 1815–16. At an early day in the session, Mr. Lowndes, as the chairman of the committee of ways and means, reported a series of resolutions, providing for the continuance, for a limited period, of the direct tax which had been imposed on account of the exigencies of the war, and contemplating the establishment of a new tariff of duties. The direct tax was ordered to be continued by a vote of the House, Mr. Calhoun voting with the majority. In regard to a new tariff there was, perhaps, more diversity of opinion as to minor details, but not so much as to the general principle. In March, 1816, the tariff act of that year was reported from the committee of ways and means, and received the support of Mr. Calhoun. Probably no one act of his life

has been more severely criticised and censured than his connection with the tariff of 1816. Before proceeding to notice particularly his course in relation to that measure, it may be well to consider the motives which governed him, and the reasons which influenced his action, as expressed by himself.

Premising, that during the debate on the direct tax, and the tariff act proper, the whole question in regard to the permanent defence of the country, the development and improvement of its resources, and the protection of all its great interests, including that of manufactures then in its infancy, was considered,—let us see how he has put himself upon the record. In the course of the debate on the direct tax, he made the following speech, which was delivered on the 4th of April, 1816.

SPEECH ON THE DIRECT TAX,

Mr. Calhoun commenced his remarks by observing, that there were in the affairs of nations, not less than that of individuals, moments, on the proper use of which depended their fame, prosperity and duration. Such he conceived to be the present situation of this nation. Recently emerged from a war, we find ourselves in possession of a physical and moral power of great magnitude; and, impressed by the misfortunes which have resulted from want of forecast heretofore, we are disposed to apply our means to the purposes most valuable to the country. He hoped, that in this interesting situation, we should be guided by the dictates of truth and wisdom only, that we should prefer the lasting happiness of our country to its present ease, its security to its pleasure, fair honor and reputation, to inglorious and inactive repose.

We are now called on to determine what amount of revenue is necessary for this country in time of peace; this involves the additional question, what are the means which the true interests of this country demand? The principal expense of our government grows out of

measures necessary for its defence; and in order to decide what those measures ought to be, it will be proper to inquire what ought to be our policy towards other nations? and what will probably be theirs towards us? He intentionally laid out of consideration the financial questions, which some gentlemen had examined in the debate; and also the question of retrenchments, on which he would only remark, that he hoped, whatsoever of economy entered into the measures of Congress, they would be divested of the character of parsimony.

Beginning with the policy of this country, it ought, he said, to correspond with the character of its political institutions. What then is their character? They rest on justice and reason. Those being the foundations of our government, its policy ought to comport with them. It is the duty of all nations, especially of one whose institutions recognize no principle of force, but appeal to virtue for their strength, to act with justice and moderation; with moderation, approaching to forbearance. In all possible conflicts with foreign powers, our government should be able to make it manifest to the world, that it has justice on its side. We should always forbear if possible, until all should be satisfied, that when we take up arms, it is not for the purpose of conquest, but maintaining our essential rights. Our government, however, is also founded on equality; it permits no man to exercise violence; it permits none to trample on the rights of his fellow citizen with impunity. These maxims we should also carry into our intercourse with foreign nations, and as we render justice to all, so we should be prepared to exact it from all. Our policy should not only be moderate and just, but as high-minded as it is moderate and just. This, said Mr. C., appears to me the true line of conduct. In the policy of nations, said he, there are two extremes: one extreme in which justice and moderation may sink into feebleness—another in which that lofty spirit, which ought to animate all nations, particularly free ones, may mount up to military violence. These extremes ought to be equally avoided; but of the two, he considered the first far the most dangerous, far the most fatal. There were, he said, two splendid examples of nations which had ultimately sunk by military violence—the Romans in ancient time, the French in modern. But how numerous were the instances of nations gradually sinking into nothingness through imbecility and apathy. They have not indeed struck the mind as forcibly as the instance just mentioned; because they have sunk ingloriously, without anything in their descent to excite either admiration or respect. I consider the ex-

treme of weakness not only the most dangerous of itself, said Mr. C., but as that extreme to which the people of this country are peculiarly liable. The people are, indeed, high-minded; and, therefore, it may be thought my fears are unfounded. But they are blessed with much happiness; moral, political and physical: these operate on the dispositions and habits of this people, with something like the effects attributed to southern climates—they dispose them to pleasure and to inactivity, except in the pursuit of wealth. I need not appeal to the past history of the country; to the indisposition of this people to war from the commencement of the government—arising from the nature of our habits, and the disposition to pursue those courses which contribute to swell our private fortunes. We incline, not only from the causes already mentioned, but from the nature of our foreign relations, to that feeble policy, which I consider as more dangerous than the other extreme. We have, it is true, dangers to apprehend from abroad—but they are far off, at the distance of three thousand miles: which prevents that continued dread which they would excite if in our neighborhood. Besides, we can have no foreign war which we should dread, or ought to fear to meet, but a war with England; but a war with her breaks in on the whole industry of the country, and affects all its private pursuits. On this account we prefer suffering very great wrongs from her, rather than to redress them by arms. The gentleman from Pennsylvania asked if the country did forbear till it felt disgraced, whose fault was it? Not, he said, that of the administrations of Washington or Adams; for neither of them had left it so. A few words, said Mr. C., on this point. The fault was principally in neither of our several administrations; in neither of the two great parties. It arose from the indisposition of the people to resort to arms, from the reason already assigned. It arose also from two incidental circumstances—the want of preparation, and the untried character of our government in war. But there were other circumstances connected with the party to which the gentleman belongs, which caused the country to forbear too long. That party took advantage of the indisposition of the people to an English war, and preached up the advantages of peace when it had become ignominious; and until we had scarcely the ability to defend ourselves. The gentleman from Pennsylvania further said, if peace had not been made when it was, we should not have been here deliberating at this time. This assertion is an awful one, if true. If the nation was on the verge of ruin, the defects which brought it to that

situation ought to be known, probed and corrected, even if they rose out of the constitution. But, Mr. C. said, it is an assertion that ought not to be lightly made. The effects are dangerous; for what man hereafter, with such consequences before his eyes, would venture to propose a war? If such were the admitted fact, a future enemy would persist in war, expecting the country to sink before his efforts: his arms would be steeled, his exertions nerved against us. The position was in every view, one of that dangerous bearing on the future relations of the country, that it ought not to be admitted without the strongest proof. What, said Mr. C., was the fact? What had been the progress of events for a few months preceding the termination of the war? At Baltimore, at Plattsburg, at New Orleans, the invaders had been signally defeated; a new spirit was diffused through the whole mass of the community. Can it be believed then, that the government was on the verge of dissolution? No, sir; it never stood firmer on its basis than at that moment. It was true, indeed, we labored under great difficulties; but it is an observation made by a statesman of great sagacity, Edmund Burke, when Pitt was anticipating the downfall of France through her finances, that an instance is not to be found of a high-minded nation sinking under financial difficulties—and it would have been exemplified in our country had the war continued. Men on all sides began to unite in defence of the country; parties in this house began to rally on this point, and if the gentleman from Pennsylvania had been a member at that time, he also, from what he has said, would have taken that ground. The gentleman had taken a position on this point as erroneous as it was dangerous; and, Mr. C. said, he had thought proper thus to notice it.

As a proof, said Mr. C., that the situation of the country naturally inclines us to too much feebleness rather than too much violence, I refer to the fact, that there are on this floor, men who are entirely opposed to armies, to navies, to every means of defence. Sir, if their politics prevail, the country will be disarmed, at the mercy of any foreign power. On the other side, sir, there is no excess of military fervor, no party inclining to military despotism: for, though a charge of such a disposition has been made by a gentleman in debate, it is without the shadow of foundation. What is the fact in regard to the army? Does it bear out his assertion? Is it even preportionally larger now than it was in 1801–2, the period which the gentleman considers as the standard of political perfection? It was then about 4000 men; it was

larger in proportion than an army of 10,000 men would now be. The charge of a disposition to make this a military government, exists only in the imaginations of gentlemen; it cannot be supported by facts; it is contrary to proof and to evidence.

Having dismissed this part of the subject, Mr. C. proceeded to consider another part of it, in his opinion equally important, viz.: What will be the probable policy of other nations? With the world at large, said he, we are now at peace. I know of no nation with which we shall probably come into collision, unless it be with Great Britain and Spain. With both of these nations we have considerable points of collision: I hope this country will maintain, in regard to both of them, the strictest justice: but with both these nations there is a possibility, sooner or later, of our being engaged in war. As to Spain, I will say nothing, because she is the inferior of the two, and those measures which apply to the superior power, will include also the inferior. I shall consider our relations then with England only.

Peace now exists between the two countries. As to its duration, I will give no opinion, except that I believe the peace will last the longer for the war which has just ended. Evidences have been furnished during the war of the capacity and character of this nation, which will make her indisposed to try her strength with us on slight grounds. But, what is the probable course of events respecting the future relations between the two countries? England is the most formidable power in the world: she has the most numerous army and navy at her command We, on the contrary, are the most growing nation on earth; most rapidly improving in those very particulars, in which she excels. This question then presents itself: will the greater power permit the less to attain its destined greatness by natural growth, or will she take measures to disturb it? Those who know the history of nations, will not believe that a rival will look unmoved on this prosperity. It has been said, that nations have heads, but no hearts. Every statesman, every one who loves his country, who wishes to maintain the dignity of that country, to see it attain the summit of greatness and prosperity, regards the progress of other nations with a jealous eye. The English statesmen have always so acted. I find no fault with them on that account, but rather to point it out as a principle which ought also to govern our conduct in regard to them. Will Great Britain permit us to go on in an uninterrupted march to the height of national greatness and prosperity? I fear not. But, admitting the councils on that

side of the water to be governed by a degree of magnanimity and justice, the world has never experienced from them, and I am warranted in saying never will, may not some unforeseen collision involve you in hostilities with Great Britain? Gentlemen on the other side have said, that there are points of difference with that nation (existing prior to the war) which are yet unsettled. I grant it. If such, then, be the fact, does it not show that points of collision remain—that whenever the same condition of the world that existed before the war shall recur, the same collisions will probably take place? If Great Britain sees the opportunity of enforcing the same doctrines we have already contested, will she not seize it? Admitting this country to maintain that policy which it ought; that its councils be governed by the most perfect justice and moderation, we yet see, said Mr. Calhoun, that by a difference of views on essential points, the peace between the two nations is liable to be jeopardized. I am sure, that future wars with England are not only possible; but, I will say more, that they are highly probable—nay, that they will certainly take place. Future wars, I fear, with the honorable Speaker, future wars, long and bloody, will exist between this country and Great Britain: I lament it—but I will not close my eyes on future events; I will not betray the high trust reposed in me; I will speak what I believe to be true. You will have to encounter British jealousy and hostility in every shape, not immediately manifested by open force or violence, perhaps, but by indirect attempts to check your growth and prosperity. As far as they can, they will disgrace everything connected with you; her reviewers, paragraphists and travellers will assail you and your institutions, and no means will be left untried to bring you to contemn yourselves, and be contemned by others. I thank my God, they have not now the means of effecting it which they once had. No; the late war has given you a mode of feeling and thinking which forbids the acknowledgment of national inferiority, that first of political evils. Had we not encountered Great Britain, we should not have had the brilliant points to rest on which we now have. We, too, have now *our* heroes and illustrious actions. If Britain has her Wellington, we have our Jacksons, Browns and Scotts. If she has her naval heroes, we have them not less renowned, for they have snatched the laurel from her brows It is impossible that we can now be degraded by comparisons; I trust we are equally above corruption and intrigue: it only remains then to try the contest by force of arms.

Let us now, said Mr. C., consider the measures of preparation which sound policy dictates. First, then, as to extent, without reference to the kind: They ought to be graduated by a reference to the character and capacity of both countries. England excels in means all countries that now exist, or ever did exist; and has besides great moral resources—intelligent and renowned for masculine virtues. On our part, our measures ought to correspond with that lofty policy which become freemen determined to defend our rights. Thus circumstanced on both sides, we ought to omit no preparation fairly in our means. Next, as to the species of preparation, which opens subjects of great extent and importance. The navy most certainly, in any point of view, occupies the first place. It is the most safe, most effectual, and the cheapest mode of defence. For, let the fact be remembered, our navy cost less per man, including all the amount of extraordinary expenditures on the Lakes, than our army. This is an important fact, which ought to be fixed in the memory of the house; for, if that force be the most efficient and safe, which is at the same time the cheapest, on that should be our principal reliance. We have heard much of the danger of standing armies to our liberties—the objection cannot be made to the navy. Generals, it must be acknowledged, have often advanced at the head of arms to Imperial rank and power; but in what instance had an Admiral usurped on the liberties of his country? Put our strength in the navy for foreign defence, and we shall certainly escape the whole catalogue of possible ills, painted by gentlemen on the other side. A naval power attacks that country, from whose hostility alone we have anything to dread, where she is most assailable, and defends this country where it is weakest. Where is Great Britain most vulnerable? In what point is she most accessible to attack? In her commerce—in her navigation. There she is not only exposed, but the blow is fatal. There is her strength; there is the secret of her power. Here, then, if ever it become necessary, you ought to strike. But where are *you* most exposed? On the Atlantic line; a line so long and so weak, that you are peculiarly liable to be assailed in it. How is it to be defended? By a navy, and by a navy alone can it be efficiently defended. Let us look back to the time when the enemy was in possession of the whole line of the sea coast, moored in your rivers, and ready to assault you at every point. The facts are too recent to require to be painted—I will only generally state that your commerce was cut up; your specie circulation destroyed; your internal communication interrupted, your

best and cheapest highway being entirely in possession of the enemy; your ports foreign, the one to the other; your treasury exhausted, in merely defensive preparations and militia requisitions, not knowing where you would be assailed, you had at the same moment, to stand prepared at every point. A recurrence of this state of things, so oppressive to the country, in the event of another war, could be prevented only by the establishment and maintenance of a sufficient naval force. Mr. C. said he had thought proper to press this point thus strongly, because, though it was generally assented to that the navy ought to be increased, he found that assent too cold, and the approbation bestowed on it too negative in its character. It ought, it is said, to be gradually increased. If the navy is to be increased at all, let its augmentation be limited only by your ability to build, officer, and man. If it is the kind of force most safe, and at the same time most efficient to guard against foreign invasion, or repel foreign aggression, you ought to put your whole force on the sea side. It is estimated that we have in our country eighty thousand sailors. This would enable us to man a considerable fleet, which, if well directed, would give us the habitual command on our own coast; an object, in every point of view, so desirable. Not that we ought, hastily, without due preparation, under present circumstances, to build a large number of vessels; but we ought to commence preparation, establish docks, collect timber and naval stores, and, as soon as the materials are prepared, we ought to commence building, to the extent which I have mentioned. If anything can preserve the country in its most imminent dangers from abroad, it is this species of armament. If we desire to be free from future wars, as I hope we may, this is the only way to effect it. We shall have peace then, and what is of still higher moment, with perfect security.

In regard to our present military establishment, Mr. C. said, it was small enough. That point the honorable Speaker had fully demonstrated: it was not sufficiently large at present to occupy all our fortresses. Gentlemen had spoken in favor of the militia, and against the army. In regard to the militia, said Mr. C., I would go as far as any gentleman, and considerably farther than those would who are so violently opposed to our small army. I would not only arm the militia, but I would extend their term of service, and make them efficient. To talk about the efficiency of militia called into active service for six months only, is to impose on the people; it is to ruin them with false hopes. I know the danger of large standing armies, said Mr. C. I

know the militia are the true force; that no nation can be safe at home and abroad, which has not an efficient militia; but the time of service ought to be enlarged, to enable them to acquire a knowledge of the duties of the camp, to let the habits of civil life be broken. For though militia, freshly drawn from their homes, may, in a moment of enthusiasm, do great service, as at New Orleans, in general they are not calculated for service in the field, until time is allowed for them to acquire habits of discipline and subordination. Your defence ought to depend on the land, on a regular draft from the body of the people. It is thus in time of war the business of recruiting will be dispensed with; a mode of defending the country every way uncongenial with our republican institutions; uncertain, slow in its operation, and expensive, it draws from society its worse materials, introducing into our army, of necessity, all the severities which are exercised in that of the most despotic government. Thus compounded, our army in a great degree lose that enthusiasm with which citizen-soldiers, conscious of liberty, and fighting in defence of their country, have ever been animated. All free nations of antiquity entrusted the defence of their country not to the dregs of society, but to the body of citizens; hence that heroism which modern times may admire but cannot equal. I know that I utter truths unpleasant to those who wish to enjoy liberty without making the efforts necessary to secure it. Her favor is never won by the cowardly, the vicious, or indolent. It has been said by some physicians that life is a forced state; the same may be said of freedom. It requires efforts; it pre-supposes mental and moral qualities of a high order to be generally diffused in the society where it exists. It mainly stands on the faithful discharge of two great duties which every citizen of proper age owes the republic; a wise and virtuous exercise of the right of suffrage; and a prompt and brave defence of the country in the hour of danger. The first symptom of decay has ever appeared in the backward and negligent discharge of the latter duty. Those who are acquainted with the historians and orators of antiquity know the truth of this assertion. The least decay of patriotism, the least verging towards pleasure and luxury will there immediately discover itself. Large standing and mercenary armies then become necessary; and those who are not willing to render the military service essential to the defence of their rights, soon find, as they ought to do, a master. It is the order of nature and cannot be reversed. This would at once put an adequate force in your hands, and render you secure. I cannot agree with those who think

that we are free from danger, and need not to prepare for it, because we have no nation in our immediate neighborhood to dread. Recollect that the nation with whom we have recently terminated a severe conflict, lives on the bosom of the deep; that although three thousand miles of ocean intervene between us, she can attack you with as much facility as if she had but two hundred or two hundred and fifty miles over land to march. She is as near you as if she occupied Canada instead of the islands of Great Britain. You have the power of assailing as well as being assailed; her provinces border on our territory, the dread of losing which, if you are prepared to attack them, will contribute to that peace which every honest man is anxious to maintain as long as possible with that country.

Mr. C. then proceeded to a point of less but yet of great importance—he meant, the establishment of roads, and opening canals in various parts of the country. Your country, said he, has certain points of feebleness and certain points of strength about it. Your feebleness should be removed, your strength improved. Your population is widely dispersed. Though this is greatly advantageous in one respect, that of preventing the country from being permanently conquered, it imposes a great difficulty in defending your territory from invasion, because of the difficulty of transportation from one point to another of your widely-extended frontier. We ought to contribute as much as possible to the formation of good military roads, not only on the score of general political economy, but to enable us on emergencies to collect the whole mass of our military means on the point menaced. The people are brave, great, and spirited, but they must be brought together in sufficient number, and with a certain promptitude to enable them to act with effect. The importance of military roads was well known to the Romans: the remains of their roads exist to this day, some of them uninjured by the ravages of time. Let us make great permanent roads, not like the Romans, with a view of subjecting and ruling provinces, but for the more honorable purpose of defence; and connecting more closely the interests of various sections of this great country. Let any one look at the vast cost of transportation during the war, much of which is chargeable to the want of good roads and canals, and he will not deny the vast importance of a due attention to this object.

Mr. C. proceeded to another topic—the encouragement proper to be afforded to the industry of the country. In regard to the question, how far manufactures ought to be fostered, Mr. C. said it was the duty of

this country, as a means of defence, to encourage the domestic industry of the country, more especially that part of it which provides the necessary materials for clothing and defence. Let us look at the nature of the war most likely to occur. England is in the possession of the ocean no man, however sanguine, can believe that we can deprive her soon of her predominance there. That control deprives us of the means of maintaining our army and navy cheaply clad. The question relating to manufactures must not depend on the abstract principle, that industry left to pursue its own course, will find in its own interest all the encouragement that is necessary. I lay the claims of the manufacturers entirely out of view, said Mr. C.—but on general principles, without regard to their interest, a certain encouragement should be extended at least to our woollen and cotton manufactures.

There was another point of preparation which, Mr. C. said, ought not to be overlooked—the defence of our coast, by means other than the navy, on which we ought to rely mainly, but not entirely. The coast is our weak part, which ought to be rendered strong, if it be in our power to make it so. There are two points on our coast particularly weak, the mouths of the Mississippi and the Chesapeake Bay, which ought to be cautiously attended to, not however neglecting others. The administration which leaves these two points in another war without fortification, ought to receive the execration of the country. Look at the facility afforded by the Chesapeake Bay to maritime powers in attacking us. If we estimate with it the margin of rivers navigable for vessels of war, it adds fourteen hundred miles at least to the line of our sea-coast; and that of the worst character, for when an enemy is there, it is without the fear of being driven from it: he has, besides, the power of assaulting two shores at the same time, and must be expected on both. Under such circumstances, no degree of expense would be too great for its defence. The whole margin of the bay is besides an extremely sickly one, and fatal to the militia of the upper country. How it is to be defended, military and naval men will best judge, but I believe that steam frigates ought at least to constitute a part of the means; the expense of which, however great, the people ought and would cheerfully bear.

There were other points to which, Mr. C. said, he might call the attention of the committee, but for the fear of fatiguing them. He would mention only his views in regard to our finance, as connected with preparatory measures. A war with Great Britain, said he, will immedi-

ately distress your finance, as far as your revenue depends on imports. It is impossible during war to prepare a system of internal revenue in time to meet the defect thus occasioned. Will Congress then leave the nation wholly dependent on foreign commerce for its revenue? This nation, Mr. C. said, was rapidly changing the character of its industry. When a nation is agricultural, depending for supply on foreign markets, its people may be taxed through its impost almost to the amount of its capacity. The nation was, however, rapidly becoming to a considerable extent a manufacturing nation. We find that exterior commerce (not including the coasting trade) was every day bearing less and less proportion to the entire wealth and strength of the nation. The financial resources of the nation will, therefore, daily become weaker and weaker, instead of growing with the nation's growth, if we do not resort to other objects than our foreign commerce for taxation. But, gentlemen say, the moral power of the nation ought not to be neglected, and that moral power is inconsistent with *oppressive taxes* on the people. It certainly is with oppressive taxes, but to make them so they must be both heavy and unnecessary. I agree, therefore, with gentlemen in their premises, but not in their conclusion, that because an oppressive tax destroys the whole moral power of the country, there ought therefore to be *no* tax at all. Such a conclusion is certainly erroneous. Let us, said Mr. C., examine the question, whether a tax laid for the defence, security, and lasting prosperity of a country, is calculated to destroy the moral power of this country. If such be the fact, as indispensable as I believe these facts to be, I will relinquish them; for of all the powers of the government, the power of a moral kind is most to be cherished. We had better give up all our physical power than part with that. But what is moral power? The zeal of the country, and the confidence in the administration of its government. Will it be diminished by laying taxes wisely, necessarily, and moderately? If you suppose the people intelligent and virtuous, it cannot be admitted. But if a majority of them are ignorant and vicious, then it is probable a tax laid for the most judicious purpose may deprive you of their confidence. The people, I believe, are intelligent and virtuous. The wiser then you act; the less you yield to the temptation of ignoble and false security, the more you attract their confidence. The very existence of your government proves their intelligence: for, let me say to this house, that if one who knew nothing of this people were made acquainted with its government, and with the fact that it had sustained itself for thirty years, he would

know at once that this was a most intelligent and virtuous people. Convince the people that measures are necessary and wise, and they will maintain them. Already they go far, very far before this house in energy and public spirit. If ever measures of this description become unpopular, it will be by speeches here. Are any willing to lull the people into false security? Can they withdraw their eyes from facts menacing the prosperity, if not the existence, of the nation? Are they willing to inspire them with sentiments injurious to their lasting peace and prosperity?

The subject is grave; it is connected with the happiness and existence of the country. I do most sincerely hope that this house are the *real agents of the people:* they are brought here not to consult their ease and convenience, but their general defence and common welfare. Such is the language of the constitution.

I have faithfully, in discharge of the sacred trust reposed in me by those for whom I act, pointed out those measures which our situation and relation to the rest of the world, render necessary for our security and lasting prosperity. They involve no doubt much expense; they require considerable sacrifices on the part of the people; but are they on that account to be rejected? We are called on to choose; on the one side is great ease it is true, but on the other the security of the country. We may dispense with the taxes; we may neglect every measure of precaution, and feel no *immediate* disaster; but in such a state of things what virtuous, what wise citizen, but what must look on the future with dread! I know of no situation so responsible, if properly considered, as ours. We are charged by Providence not only with the happiness of this great and rising people, but in a considerable degree with that of the human race. We have a government of a new order, perfectly distinct from all which has ever preceded it. A government founded on the rights of man, resting not on authority, not on prejudice, not on superstition, but reason. If it succeeded, as fondly noped by its founders, it will be the commencement of a new era in human affairs. All civilized governments must in the course of time conform to its principles. Thus circumstanced, can you hesitate what course to choose? The road that wisdom points, leads it is true up the steep, but leads also to security and lasting glory. No nation, that wants the fortitude to tread it, ought ever to aspire to greatness. Such ought and will certainly sink into the list of those that have done nothing to be known or remembered. It is immutable; it is in the nature

of things. The love of present ease and pleasure, indifference about the future, that fatal weakness of human nature, has never failed in individuals or nations to sink to disgrace and ruin. On the contrary, virtue and wisdom, which regard the future, which spurn the temptations of the moment, however rugged their path, end in happiness. Such are the universal sentiments of all wise writers, from the didactics of the philosophers to the fictions of the poets. They agree that pleasure is a flowery path, leading off among groves and meadows, but ending in a gloomy and dreary wilderness; that it is the syren's voice, which he who listens to is ruined; that it is the cup of Circe, which he who drinks is converted into a swine. This is the language of fiction, reason teaches the same. It is my wish to elevate the national sentiment to that which every just and virtuous mind possesses. No effort is needed here to impel us the opposite way; that also may be but too safely trusted to the frailties of our nature. This nation is in a situation similar to that which one of the most beautiful writers of antiquity paints Hercules in his youth. He represents the hero as retiring into the wilderness to deliberate on the course of life which he ought to choose. Two Goddesses approach him; one recommending to him a life of ease and pleasure; the other of labor and virtue. The hero adopted the counsel of the latter, and his fame and glory are known to the world. May this nation, the youthful Hercules, possessing his form and muscles, be inspired with similar sentiments and follow his example!

Similar views upon the questions and topics considered, were presented with equal ability and force, in the progress of the discussion on the tariff act. Pending a motion made by Mr. Randolph, to strike out the minimum valuation on cotton goods, Mr. Calhoun said: "The debate heretofore on this subject, has been on the degree of protection which ought to be afforded to our cotton and woollen manufactures; all professing to be friendly to those infant establishments, and to be willing to extend to them adequate encouragement. The present motion assumes a new aspect. It is introduced professedly on the ground, that manufactures

ought not to receive any encouragement; and will, in its operation, leave our cotton establishments exposed to the competition of the cotton goods of the East Indies, which, it is acknowledged on all sides, they are not capable of meeting with success, without the proviso proposed to be stricken out by the motion now under discussion. Till the debate assumed this new form, he had determined to be silent; participating, as he largely did, in that general anxiety which is felt, after so long and laborious a session, to return to the bosom of our families. But on a subject of such vital importance, touching, as it does, the security and permanent prosperity of our country, he hoped that the House would indulge him in a few observations. He regretted much his want of preparation—he meant not a verbal preparation, for he had ever despised such, but that due and mature meditation and arrangement of thought, which the House is entitled to on the part of those who occupy any portion of their time. But whatever his arguments might want on that account in weight, he hoped might be made up in the disinterestedness of his situation. He was no manufacturer; he was not from that portion of our country supposed to be peculiarly interested. Coming, as he did, from the south, having, in common with his immediate constituents, no interest, but in the cultivation of the soil, in selling its products high, and buying cheap the wants and conveniences of life, no motives could be attributed to him, but such as were disinterested.

"He had asserted, that the subject before them was connected with the security of the country. It would, doubtless, by some be considered a rash assertion; but

he conceived it to be susceptible of the clearest proof; and he hoped, with due attention, to establish it to the satisfaction of the House.

"The security of a country mainly depends on its spirit and its means; and the latter principally on its monied resources. Modified as the industry of this country now is, combined with our peculiar situation and want of a naval ascendency; whenever we have the misfortune to be involved in a war with a nation dominant on the ocean, and it is almost only with such we can at present be, the monied resources of the country, to a great extent, must fail. He took it for granted, that it was the duty of this body to adopt those measures of prudent foresight, which the event of war made necessary. We cannot, he presumed, be indifferent to dangers from abroad, unless, indeed, the House is prepared to indulge in the phantom of eternal peace, which seemed to possess the dream of some of its members. Could such a state exist, no foresight or fortitude would be necessary to conduct the affairs of the republic; but as it is the mere illusion of the imagination; as every people that ever has or ever will exist, are subjected to the vicissitudes of peace and war, it must ever be considered as the plain dictate of wisdom, in peace to prepare for war. What, then, let us consider, constitute the resources of this country, and what are the effects of war on them? Commerce and agriculture, till lately, almost the only, still constitute the principal sources of our wealth. So long as these remain uninterrupted, the country prospers; but war, as we are now circumstanced, is equally destructive to both. They both depend on foreign markets;

and our country is placed, as it regards them, in a situation strictly insular; a wide ocean rolls between. Our commerce neither is nor can be protected, by the present means of the country. What, then, are the effects of a war with a maritime power—with England? Our commerce annihilated, spreading individual misery, and producing national poverty; our agriculture cut off from its accustomed markets, the surplus product of the farmer perishes on his hands; and he ceases to produce, because he cannot sell. His resources are dried up, while his expenses are greatly increased; as all manufactured articles, the necessaries, as well as the conveniences of life, rise to an extravagant price. The recent war fell with peculiar pressure on the growers of cotton and tobacco, and other great staples of the country; and the same state of things will recur in the event of another, unless prevented by the foresight of this body. If the mere statement of facts did not carry conviction to any mind, as he conceives it is calculated to do, additional arguments might be drawn from the general nature of wealth. Neither agriculture, manufactures or commerce, taken separately, is the cause of wealth; it flows from the three combined; and cannot exist without each. The wealth of any single nation or an individual, it is true, may not *immediately* depend on the three, but such wealth always presupposes their existence. He viewed the words in the most enlarged sense. Without commerce, industry would have no stimulus; without manufactures, it would be without the means of production; and without agriculture neither of the others can subsist. When separated entirely and perma-

nently, they perish. War in this country produces, to a great extent, that effect; and hence, the great embarrassment which follows in its train. The failure of the wealth and resources of the nation necessarily involved the ruin of its finances and its currency. It is admitted by the most strenuous advocates, on the other side, that no country ought to be dependent on another for its means of defence; that, at least, our musket and bayonet, our cannon and ball, ought to be of domestic manufacture. But what, he asked, is more necessary to the defence of a country than its currency and finance?

"Circumstanced as our country is, can these stand the shock of war? Behold the effect of the late war on them. When our manufactures are grown to a certain perfection, as they soon will under the fostering care of government, we will no longer experience these evils. The farmer will find a ready market for its surplus produce; and what is almost of equal consequence, a certain and cheap supply of all his wants. His prosperity will diffuse itself to every class in the community; and instead of that languor of industry and individual distress now incident to a state of war, and suspended commerce, the wealth and vigor of the community will not be materially impaired. The arm of government will be nerved, and taxes in the hour of danger, when essential to the independence of the nation, may be greatly increased; loans, so uncertain and hazardous, may be less relied on; thus situated, the storm may beat without, but within all will be quiet and safe. To give perfection to this state of things, it will be necessary to add, as soon as possible, a system

of internal improvements, and at least such an extension of our navy, as will prevent the cutting off our coasting trade. The advantage of each is so striking, as not to require illustration, especially after the experience of the recent war. It is thus the resources of this government and people would be placed beyond the power of a foreign war materially to impair. But it may be said that the derangement then experienced, resulted not from the cause assigned, but from the errors and weakness of the government. He admitted, that many financial blunders were committed, for the subject was new to us; that the taxes were not laid sufficiently early, or to as great an extent as they ought to have been; and that the loans were in some instances injudiciously made; but he ventured to affirm, that had the greatest foresight and fortitude been exerted, the embarrassment would have been still very great; and that even under the best management, the total derangement which was actually felt, would not have been postponed eighteen months, had the war so long continued. How could it be otherwise? A war, such as this country was then involved in, in a great measure dries up the resources of individuals, as he had already proved; and the resources of the government are no more than the aggregate of the surplus incomes of individuals called into action by a system of taxation. It is certainly a great political evil incident to the character of the industry of this country, that, however prosperous our situation when at peace, with an uninterrupted commerce, and nothing then could exceed it, the moment that we were involved in war the whole is reversed. When resources are most

needed; when indispensable to maintain the honor; yes, the very existence of the nation, then they desert us. Our currency is also sure to experience the shock; and becomes so deranged as to prevent us from calling out fairly whatever of means is left to the country. The result of a war in the present state of our naval power is the blockade of our coast, and consequent destruction of our trade. The wants and habits of the country, founded on the use of foreign articles, must be gratified; importation to a certain extent continues, through the policy of the enemy, or unlawful traffic; the exportation of our bulky articles is prevented too, the specie of the country is drawn to pay the balance perpetually accumulating against us; and the result is a total derangement of the currency.

"To this distressing state of things there were two remedies, and only two; one in our power immediately, the other requiring much time and exertion; but both constituting, in his opinion, the essential policy of this country; he meant the navy, and domestic manufactures. By the former, we could open the way to our markets; by the latter we bring them from beyond the ocean, and naturalize them. Had we the means of attaining an immediate naval ascendency, he acknowledged that the policy recommended by this bill, would be very questionable; but as that is not the fact—as it is a period remote, with any exertion, and will be probably more so, from that relaxation of exertion, so natural in peace, when necessity is not felt, it became the duty of this house to resort, to a considerable extent, at least as far as is proposed, to the only remaining remedy. But to this it has been objected, that the

country is not prepared, and that the result of our premature exertion would be to bring distress on it, without effecting the intended object. Were it so, however urgent the reasons in its favor, we ought to desist, as it is folly to oppose the laws of necessity. But he could not for a moment yield to the assertion; on the contrary, he firmly believed that the country is prepared, even to maturity, for the introduction of manufactures. We have abundance of resources, and things naturally tend at this moment in that direction. A prosperous commerce has poured an immense amount of commercial capital into this country. This capital has, till lately, found occupation in commerce; but that state of the world which transferred it to this country, and gave it active employment, has passed away, never to return. Where shall we now find full employment for our prodigious amount of tonnage; where markets for the numerous and abundant products of our country? This great body of active capital, which for *the moment* has found sufficient employment in supplying our markets, exhausted by the war, and measures preceding it, must find a new direction; it will not be idle. What channel can it take, but that of manufactures? This, if things continue as they are, will be its direction. It will introduce a new era in our affairs, in many respects highly advantageous, and ought to be countenanced by the government. Besides, we have already surmounted the greatest difficulty that has ever been found in undertakings of this kind. The cotton and woollen manufactures are not to be *introduced*—they are *already* introduced to a great extent; freeing us entirely from the hazards, and,

in a great measure, the sacrifices experienced in giving the capital of the country a new direction. The restrictive measures and the war, though not intended for that purpose, have, by the necessary operation of things, turned a large amount of capital to this new branch of industry. He had often heard it said, both in and out of Congress, that this effect alone would indemnify the country for all of its losses. So high was this tone of feeling, when the want of these establishments was practically felt, that he remembered, during the war, when some question was agitated respecting the introduction of foreign goods, that many then opposed it on the ground of injuring our manufactures. He then said, that war alone furnished sufficient stimulus, and perhaps too much, as it would make their growth unnaturally rapid; but, that on the return of peace, it would then be time to show our affection for them. He at that time did not expect an apathy and aversion to the extent which is now seen. But it will no doubt be said, if they are so far established, and if the situation of the country is so favorable to their growth, where is the necessity of affording them protection? It is to put them beyond the reach of contingency. Besides, capital is not yet, and cannot, for some time, be adjusted to the new state of things. There is, in fact, from the operation of temporary causes, a great pressure on these establishments. They had extended so rapidly during the late war, that many, he feared, were without the requisite surplus capital, or skill, to meet the present crisis. Should such prove to be the fact, it would give a back set, and might, to a great extent, endanger their ultimate suc-

cess. Should the present owners be ruined, and the workmen dispersed and turn to other pursuits, the country would sustain a great loss. Such would, no doubt, be the fact to a considerable extent, if not protected. Besides, circumstances, if we act with wisdom, are favorable to attract to our country much skill and industry. The country in Europe, having the most skilful workmen, is broken up. It is to us, if wisely used, more valuable than the repeal of the Edict of Nantes was to England. She had the prudence to profit by it—let us not discover less political sagacity. Afford to ingenuity and industry immediate and ample protection, and they will not fail to give a preference to this free and happy country.

"It has been objected to this bill, that it will injure our marine, and consequently impair our naval strength. How far it is fairly liable to this charge, he was not prepared to say. He hoped and believed, it would not, at least to any alarming extent, have that effect immediately; and he firmly believed, that its lasting operation would be highly beneficial to our commerce. The trade to the East Indies would certainly be much affected; but it was stated in debate, that the whole of that trade employed but six hundred sailors. But whatever might be the loss in this, or other branches of our foreign commerce, he trusted it would be amply compensated in our coasting trade; a branch of navigation wholly in our own hands. It has at all times employed a great amount of tonnage, something more he believed than one third of the whole; nor is it liable to the imputation thrown out by a member from North Carolina, (Mr. Gaston) that it produced inferior sailors.

It required long and dangerous voyages; and if his information was correct, no branch of trade made better or more skilful seamen. The fact that it is wholly in our own hands, is a very important one, while every branch of our foreign trade must suffer from competition with other nations. Other objections of a political character were made to the encouragement of manufactures. It is said they destroy the moral and physical power of the people. This might formerly have been true to a considerable extent, before the perfection of machinery, and when the success of the manufactures depended on the minute sub-division of labor. At that time it required a large portion of the population of a country to be engaged in them; and every minute sub-division of labor is undoubtedly unfavorable to the intellect; but the great perfection of machinery has in a considerable degree obviated these objections. In fact it has been stated that manufacturing districts in England furnish the greatest number of recruits to her army, and that, as soldiers, they are not materially inferior to the rest of her population. It has been further asserted that manufactures are the fruitful cause of pauperism; and England has been referred to as furnishing conclusive evidence of its truth. For his part, he could perceive no such tendency in them, but the exact contrary, as they furnished new stimulus and means of subsistence to the laboring classes of the community. We ought not to look to the cotton and woollen establishments of Great Britain for the prodigious numbers of poor with which her population was disgraced. Causes much more efficient exist. Her poor laws and statutes regulating the price of labor,

with heavy taxes, were the real causes. But if it must be so, if the mere fact that England manufactured more than any other country, explained the cause of her having more beggars, it is just as reasonable to refer her courage, spirit, and all her masculine virtues, in which she excels all other nations, with a single exception; he meant our own; in which we might without vanity challenge a preëminence. Another objection had been made, which he must acknowledge was better founded, that capital employed in manfacturing produced a greater dependence on the part of the employed, than in commerce, navigation, or agriculture It is certainly an evil and to be regretted; but he did not think it a decisive objection to the system; especially when it had incidental political advantages which in his opinion more than counterpoised it. It produced an interest strictly American, as much so as agriculture; in which it had the decided advantage of commerce or navigation. The country will from this derive much advantage. Again, it is calculated to bind together more closely our widely-spread republic. It will greatly increase our mutual dependence and intercourse; and will as a necessary consequence, excite an increased attention to internal improvement, a subject every way so intimately connected with the ultimate attainment of national strength and the perfection of our political institutions. He regarded the fact that it would make the parts adhere more closely, that it would form a new and most powerful cement, far out-weighing any political objections that might be urged against the system. In his opinion the *liberty* and the *union* of this country were inseparably

united! That as the destruction of the latter would most certainly involve the former; so its maintenance will with equal certainty preserve it. He did not speak lightly. He had often and long revolved it in his mind; and he had critically examined into the causes that destroyed the liberty of other states. There are none that apply to us, or apply with a force to alarm. The basis of our republic is too broad and its structure too strong, to be shaken by them. Its extension and organization will be found to afford effectual security against their operation; but let it be deeply impressed on the heart of this house and country, that while they guarded against the old they exposed us to a new and terrible danger, disunion. This single word comprehended almost the sum of our political dangers; and against it we ought to be perpetually guarded."

In connection with the foregoing remarks of Mr. Calhoun on the tariff act, it should be mentioned, that he had no present intention of taking part in the debate, when they were delivered. His speech was an unpremeditated effort, made on the spur of the occasion, upon the particular and urgent request of his friend Mr. Ingham, of Pennsylvania. The tariff bill was then under discussion, and the House had fallen into confusion. Mr. Calhoun was not a frequent speaker, but was always listened to with great deference and respect. He was therefore entreated to make some remarks, that order and tranquillity might be restored. He had been engaged in writing at his desk, and had made no preparation for the debate. Moreover, his time and attention had been so completely taken up with his appropriate duties on the currency committee,

that he had reflected but little on the merits of the tariff question. His remarks were, consequently, of a general character, and only designed to present the leading and more striking considerations in favor of the proposed law.

It is undoubtedly true that this subject was a new one, in so far as the protective policy was concerned—for previous tariff acts had been based on revenue principles—and if Mr. Calhoun erred in giving the measure his support, it must be attributed to that fact. But he would never himself admit, that there was anything inconsistent in his course on this occasion, as contrasted with his subsequent action; and in his celebrated speech on the Force Bill, in 1832, he repelled the charge which had been made against him, with much warmth.

The political aspect of the tariff question in 1816, was, indeed, very different from what it afterward became. The interests affected by the law that year, and the circumstances attending its passage, were peculiar. From 1792 to 1805, the United States enjoyed a degree of commercial prosperity without parallel in their history. The desolating wars in Europe, and the conflict with Great Britain, put an end to this era of successful commerce, and the capital which had been so profitably employed was now driven into other channels. Manufacturing establishments sprung up in the northern and eastern states, and under the influence of the non-intercourse policy they were highly prosperous. But when peace came, and our markets were again opened to foreign importations, it was not expected by any one, that they would be able to sus-

tain themselves against the competition which they would be obliged to encounter. It was then urged, and with a great deal of plausibility, that the infant manufactures of the country, hitherto fostered and sustained by the existence of the war, were deserving of *encouragement*—not *protection*, be it remembered—and that this could be afforded in no better way than by a tariff law enacted for the purpose of raising the revenue needed for the support of the government.

This idea of encouraging an important interest while in its infancy, and until it became strong enough to support itself, which, it was said, it would be able to do in ten or twelve years, was one likely to have its full weight with Mr. Calhoun, who was yet comparatively a young man, full of hope for himself and his country, enthusiastic and patriotic. But it will be seen from his speech on the direct tax, and his remarks on the tariff bill, that other considerations connected with the state of the country, its future prosperity, and its defence against foreign powers, were of paramount importance with him. The leading governments of Europe had banded together to put down the popular impulses which threatened the permanency of monarchical institutions, and Legitimacy was now in the ascendant. What further projects might be contemplated by the Holy Alliance, were left solely to conjecture; but it was advisable to be prepared for any fortune.

The lessons of experience were not to be despised, and a regard for the safety of the Union imperatively demanded that she should be placed in a condition of defence, and of entire independence of foreign influ-

ences. The former, as Mr. Calhoun contended, might be secured, by the augmentation of the army and navy and the fortification of the sea-coast, and the latter, by increasing the prosperity and wealth of the people, to which end a sound currency and the encouragement of domestic interests were essential.

Protection, to a certain but limited extent, was afforded by the law of 1816, but it cannot be denied that the revenue idea was the controlling one, inasmuch as the average rate of duties imposed by the act barely exceeded thirty per cent. This is further made evident by the fact, that the sum of ten millions of dollars was appropriated annually to the sinking fund, provided for the payment of the public debt; and it was also anticipated, that there would be a still further excess of revenue, to be carried to the same object. If the measure, then, was not mainly of a revenue character, it would have been the height of folly to have indulged any such expectations; for it is undoubtedly true, as a general rule, that the duties realized from a high protective tariff are much less in amount than those afforded by a low, or strictly revenue tariff.

There were two features of the act of 1816, and only two, which trespassed beyond the revenue limit. Most of the leading objects of protection were subject to a duty of only twenty per cent.; but the duty on iron was first fixed at seventy-five cents the hundred weight, and afterward reduced to forty-five cents; and the minimum principle was introduced in establishing the high duties on coarse cotton. These were great errors, as Mr. Calhoun subsequently admitted.* Leav-

* Speech against the Force Bill.

ing them out of view, the law was not essentially different, in any of its details, from what it would have been had not a single manufacturing establishment existed on this side of the Atlantic.

Mr. Calhoun never denied the power of Congress to impose duties for revenue, nor that the favorable effects of such imposition on the manufacturing interest might be properly taken into consideration in the enactment of tariff laws. Such were his opinions in 1816, and they were never changed at any period of his life. Coming from a state whose great staples were not all required for home consumption, but were driven in part to seek a foreign market, where the prices realised for the surplus governed the value of the whole, the position which he occupied on the tariff question, and which South Carolina held through him, was a most magnanimous one. When the manufacturing interest was in its infancy he was disposed to encourage it, but when he saw it becoming a powerful monopoly, daily waxing stronger and stronger, and like the banyan tree extending itself in every direction, and overshadowing the land whose nourishing properties it exhausted,—when he beheld a powerful party in the country arrayed on its side, and the fidelity of the other to republican principles not always proof against temptation,—he felt bound to raise his voice in remonstrance; but those who are sincere in the opinion that he committed errors then, should not forget any of the circumstances, —they should remember the cause and the provocation.

As Mr. Calhoun had ever been one of the most prominent advocates of the improvement of the army, as well in its discipline as in its *materiel*, he was a

warm friend to the military academy, and with Mr. Forsyth and others, successfully resisted an attempt made at this session to reduce the number of cadets. He maintained that active and good soldiers might easily be made out of any portion of the population of the United States, but in order to accomplish this, the more general diffusion of military science was necessary, for without it the militia would be totally inefficient, and "but a rabble without discipline."

During the session of 1815–16, also, a bill was passed changing the mode of compensation of members of Congress, from the per diem allowance to an annual salary of fifteen hundred dollars. Although this measure was probably as fair and as just a one as could have been devised, it proved to be unpopular with the people all over the Union; and in a great majority of cases, those members who had voted for it were not again returned by their constituents. Mr. Calhoun had supported the bill throughout, and on his return home he found the current setting strongly against him. His uncle, Joseph Calhoun, who resided in Abbeville, and General William Butler, of Edgefield, both of whom had previously represented his district, condemned his course in decided terms, and the latter offered himself as a candidate against him. Indeed, the prevailing opinion was so decidedly hostile, that very few of his friends had sufficient courage to face the storm of censure and openly to vindicate his vote.

Many thought it was not advisable for him to subject himself to a public expression of the displeasure of his constituents, by offering for reëlection. Others urged him to apologize for his course, and to appeal to the

kind feelings of those whom he had represented, to overlook this, his single error, during a service of five years. To one and all he returned for answer, that he had supported the compensation act because he thought it was right, and he only asked that his constituents would allow him an opportunity to defend himself, and grant him a fair hearing. The request was too just a one to be denied. A day was fixed in each of the districts of Abbeville and Edgefield, for Mr. Calhoun to address the people at the court-houses. The ties between them and the able and talented representative to whom they had been so long and so warmly attached, were far too strong to be lightly severed, and they cheerfully came together in great numbers to hear what he had to say in his defence. Instead of apologizing for his course, or appealing to their feelings and sympathies, he manfully defended his vote, and so powerful and convincing were his arguments that he was triumphantly reëlected.

Such is always the reward of fidelity, honesty, and independence, in the legislator. Misrepresentation and calumny may meet with temporary success; he may be prostrated for a time; but his day of triumph will surely come, when his virtues will shine more brightly than ever, as they burst forth from the clouds which had obscured their effulgence.

At the ensuing session of Congress,—in 1816–17,—a bill repealing the compensation act was introduced; but Mr. Calhoun still refused to yield to the clamor which had been raised against the law. He again discussed the merits of the question, and defended the policy and justice of the measure. But the majority

could not withstand the tempest of popular indignation; they did not attempt to disabuse the public mind of the false impressions under which it labored, but hastened to conciliate their constituents by erasing the unfortunate enactment from the statute-book. So conspicuous was Mr. Calhoun on this occasion, for his uncompromising integrity and the independence of his course, that Mr. Grosvenor, a federal member from New York, who had had a personal difference with the former in one of the secret sessions during the war and was not on speaking terms with him, took occasion to say in the course of the debate on the repeal bill, that "he had heard, with peculiar satisfaction, the able, manly, and constitutional speech of the gentleman from South Carolina" (Mr. Calhoun). "I will not be restrained," he added. "No barrier shall exist which I will not leap over, for the purpose of offering to that gentleman my thanks for the judicious, independent, and national course which he has pursued in this House for the last two years, and particularly upon the subject now before us. Let the honorable gentleman continue with the same manly independence, aloof from party views and local prejudices, to pursue the great interests of his country, and fulfil the high destiny for which it is manifest he was born. The buzz of popular applause may not cheer him on his way, but he will inevitably arrive at a high and happy elevation in the view of his country and the world."

Among the other subjects connected with the defence and prosperity of the country, which Mr. Calhoun considered in his speech on the direct tax, was that of internal improvements. In common with most

of the younger members of the republican party at that day, he was favorably impressed in behalf of the construction of such works, and thought the power of Congress over the subject was embraced in that "to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defence and general welfare." Subsequent reflection and experience taught him his error, when his opinions were promptly corrected; but in 1816 he expressed himself in favor of the establishment of roads and opening canals in various parts of the country, for the convenience of our widely-dispersed population, and of the construction of military roads, the want of which for the transportation of munitions of war and supplies, during the war of 1812, had been attended with such disastrous consequences.

In his annual message at the first session of Congress after the close of the war, Mr. Madison called the attention of members to the subject of internal improvements, and recommended Congress to exercise all its constitutional powers in the premises, and if they were found inadequate, to take the necessary steps to amend the constitution. Acting in accordance with what he supposed to be the views and wishes of the President, Mr. Calhoun introduced a resolution into the House, on the 16th of December, 1816, directing that a committee should be appointed to inquire into the expediency of setting apart the bonus paid to the United States by the national bank, and the net annual profits on their stock, as a permanent fund for internal improvements. The resolution was adopted and the committee appointed—Mr. Calhoun being its chairman.

On the 23rd instant he reported a bill which he had prepared, setting apart and pledging the bonus and dividends as contemplated by the resolution. But little discussion was had on the bill, and after being amended, on motion of Mr. Pickering, so as to require the obtaining of the assent of a state to the construction of roads or canals within its territorial limits, it was passed by a small majority. In the Senate it was also sustained by a majority vote, and was sent to the President.

Although the bill of Mr. Calhoun did not claim for Congress the power to construct works of internal improvement within the states, or pretend in any way to define the power, it was undoubtedly taken for granted. In his speech on the bill, Mr. Calhoun did not examine the constitutional question, notwithstanding he was urged to do so, but contented himself with saying that he believed the power existed, though he was not prepared to say to what extent. The bill was laid before the President a few days prior to the adjournment of Congress and the close of his administration, and when Mr. Calhoun called to take his leave, the latter learned for the first time, much to his regret and chagrin, that it did not meet with the approbation of the executive. On the 3rd day of March, 1817, the bill was returned to the House with the objections of the President, based mainly upon the want of power in Congress until the constitution was amended as he had suggested. The bill was now lost,—not two thirds of the members voting in its favor. Mr. Calhoun, however, with Mr. Forsyth, and his colleague, Mr. Huger, still supported the measure.

No actual appropriation of money was made by this bill, nor were any particular works of internal improvement authorized to be constructed, yet the constitutional principle was probably involved in it, at least indirectly. The views of Mr. Calhoun upon the question subsequently underwent a material change, as the reader will discover.

CHAPTER VI.

Expiration of his Service in the House of Representatives—Appointed Secretary of War—Management of the Affairs of the Department—Financial System—Other Improvements introduced—Reörganization of the Army—System of Fortifications—Medical Statistics—Missouri Compromise—Tariff Act of 1824—Internal Improvements.

With the 3rd day of March, 1817, closed the period of Mr. Calhoun's service in the popular branch of Congress. The trust confided to him was now returned to those whom he had represented—in such a spirit of devotion to their interests, and with such credit to himself,—not diminished or impaired in aught, but rendered more valuable by the fidelity with which it had been guarded, and the enviable reputation he had won in its defence. He had been chosen for another term, but at the time of his reëlection he did not anticipate the honors which Fortune had in store for him.

Although he had been in Congress but for the short period of six years, his character was known and understood in every part of the country. His friends and admirers were numerous, and the new President entertained a high opinion of his talents and integrity. "Shortly before the meeting of Congress at the next session, [in December, 1817,] he received an invitation from Mr. Monroe to take a place in his cabinet as Secretary of War.* It was unsolicited and unexpected.

* Mr. Calhoun was appointed in the place of Governor Shelby, of

His friends, with some exceptions, advised against his acceptance, on the ground that Congress was the proper theatre for his talents; Mr. Lowndes concurred in this advice, and, among other reasons, urged that his improvement in speaking had been such that he was desirous to see the degree of eminence he would reach by practice. Indeed, the prevailing opinion at the time was, that his talent lay more in the power of thought than action. His great powers of analysis and generalization were calculated to make the impression, which was not uncommon at that time, that his mind was more metaphysical than practical, and that he would lose reputation in taking charge of a department, especially one in a state of such disorder and confusion as the war department was then. The reasons assigned by his friends served but to confirm Mr. Calhoun in the opinion that he ought to accept. He believed the impression of his friends was erroneous as to the character of his mind; but if not, if his powers lay rather in thinking and speaking than in execution, it was but the more necessary he should exercise them in the latter, and thereby strengthen them where they were naturally the weakest. He also believed that he could render more service to the country in reforming that great disbursing department of government, admitted to be in a state of much disorder, than he could possibly do by continuing in Congress, where most of the great questions growing out of a return to a state of peace had been discussed and settled. Under the influence of these motives, he accepted the proffered ap-

Kentucky, who had declined the appointment tendered to him by Mr. Monroe.

pointment, and entered on the duties of the department early in December, 1817.

"Thus, after six years of distinguished services in Congress, during which Mr. Calhoun bore a prominent and efficient part in originating and supporting all the measures necessary to carry the country through one of the most trying and difficult periods of its existence, and had displayed throughout great ability as a legislator and a speaker, we find him in a new scene, where his talents for business and administration for the first time are to be tried. He took possession of his department at the most unfavorable period. Congress was in session, when much of the time of the secretary is necessarily occupied in meeting the various calls for information from the two Houses, and attending to the personal application of the members on the business of their constituents. Mr. Graham, the chief clerk, an able and experienced officer, retired shortly afterward, and a new and totally inexperienced successor had to be appointed in his place. The department was almost literally without organization, and everything in a state of confusion. Mr. Calhoun had paid but little attention to military subjects in any of their various branches. He had never read a treatise on the subject, except a small volume on the Staff.

"In this absence of information, he determined at once to do as little as possible at first, and to be a good listener and a close observer till he could form a just conception of the actual state of the department and what was necessary to be done. Acting on this prudent rule, he heard all and observed everything, and reflected on and digested all that he heard and saw.

In less than three months he became so well acquainted with the state of the department, and what was required to be done, that he drew up himself, without consultation, the bill for organizing it on the bureau principle, and succeeded in getting it through Congress against a formidable opposition, who denounced it as wild and impracticable. But, on the contrary, this organization has been proved to be so perfect, that it has remained unchanged through all the vicissitudes and numerous changes of parties till this time, a period of twenty-five years.

"But that was only the first step. The most perfect system is of little value without able and faithful officers to carry it into execution. The President, under his advice, selected to fill the several bureaus such officers as had the confidence of the army for ability and integrity, and possessing an aptitude of talent for the service of the bureau for which they were respectively selected. With each of these Mr. Calhoun associated a junior officer, having like qualifications, for his assistant. But, to give effect to the system, one thing was still wanting—a code of rules for the department and each of its bureaus, in order to give uniformity, consistency, efficacy, and stability to the whole. These he prepared, with the assistance of the heads of the respective bureaus, under the provision of the bill for the organization of the department, which gave the secretary the power to establish rules not inconsistent with existing laws. They form a volume of considerable size, which, like the act itself, remains substantially the same, though, it is to be feared, too often neglected in practice by some of his

successors. All this was completed in the course of a few months after the passage of the act, and the system put into active operation. It worked without a jar.

"In a short time its fruits began to show themselves in the increased efficiency of the department and the correction of abuses, many of which were of long standing. To trace his acts through the period of more than seven years, during which Mr. Calhoun remained in the war-office, would be tedious, and occupy more space than the object of this sketch would justify. The results, which, after all, are the best tests of the system and the efficiency of an administration, must be taken as a substitute. Suffice it, then, to say, that when he came into office, he found it in a state of chaos, and left it, even in the opinion of opponents, in complete organization and order. An officer of high standing and a competent judge pronounced it the most perfectly organized and efficient military establishment for its size in the world. He found it with upward of $40,000,000 of unsettled accounts, many of them of long standing, going back almost to the origin of the government, and he reduced them to less than three millions, which consisted, for the most part, of losses, and accounts that never can be settled. He prevented all current accumulation, by a prompt and rigid enforcement of accountability; so much so, that he was enabled to report to Congress in 1823, that "of the entire amount of money drawn from the treasury in 1822 for military service, including pensions amounting to $4,571,961 94, although it passed through the hands of two hundred and ninety-one disbursing officers,

there has not been a single defalcation, nor the loss of a single cent to the government." He found the army proper, including the Military Academy, costing annually more than $451 per man, including officers, professors, and cadets, and he left the cost less than $287; or, to do more exact justice to his economy, he diminished such parts of the cost per man as were susceptible of reduction by an efficient administration, excluding pay and such parts as were fixed in moneyed compensation by law, from $299 to $150. All this was effected by wise reforms, and not by parsimony (for he was liberal, as many supposed, to a fault) in the quality and quantity of the supplies, and not by a fall of prices; for in making the calculation, allowance is made for the fall or rise of prices on every article of supply. The gross saving on the army was $1,300,000 annually, in an expenditure which reached $4,000,000 when he came into the department. This does not include the other branches of service, the ordnance, the engineer and Indian bureaus, in all of which a like rigid economy and accountability were introduced, with similar results in saving to the government.

"These great improvements were made under adverse circumstances. Party excitement ran high during the period, and Mr. Calhoun came in for his full share of opposition and misrepresentation, which may be explained by the fact that his name had been presented as a candidate for the presidency. He was often thwarted in his views and defeated in his measures, and was made for years the subject of almost incessant attacks in Congress, against which he had to defend himself, but with such complete success, finally,

as to silence his assailants. They had been kept constantly informed of every movement in his department susceptible of misconstruction or of being turned against him. One of the representatives, who boarded in the same house with his principal assailant, offered to disclose to Mr. Calhoun the channel through which his opponents in Congress derived the information on which they based their attacks. Mr. Calhoun declined to receive it. He said he did not object that any act of the department should be known to his bitterest enemies: that he thought well of all about him, and did not desire to change his opinion; and all that he regretted was, that if there was any one near him who desired to communicate anything to any member, he did not ask for his permission, which he would freely have given. He felt conscious he was doing his duty, and dreaded no attack. In fact, he felt no wish that these attacks should be discontinued. He knew how difficult it was to reform long-standing and inveterate abuses, and he used the assaults on the department and the army as the means of reconciling the officers, who might be profiting by them, to the measures he had adopted for their correction, and to enlist them heartily in coöperating with him in their correction, as the most certain means of saving the establishment and themselves. To this cause, and to the strong sense of justice which he exhibited on all occasions, by the decided support he gave to all who did their duty, and his no less decided discharge of his duty against all who neglected or omitted it, is to be attributed the fact that he carried through so thorough a reform, where there was so much disorder and abuse, with a

popularity constantly increasing with the army. Never did a secretary leave a department with more popularity or a greater degree of attachment and devotion on the part of those connected with it than he did.

"In addition to the ordinary duties of the department, he made many and able reports on the subject of our Indian affairs, on the reduction of the army, on internal improvements, and others. He revived the Military Academy, which he found in a very disordered state, and left it in great perfection; he caused a minute and accurate survey to be made of the military frontier, inland and maritime, and projected, through an able board of engineers, a plan for their defence. In conformity with this plan, he commenced a system of fortification, and made great progress in its execution, and he established a cordon of military posts from the lakes around our north-western and south-western frontiers to the Gulf of Mexico.

"Another measure remains to be noticed, which will be regarded in after-times as one of the most striking and useful, although it has heretofore attracted much less attention than it deserves. In organizing the medical department, Mr. Calhoun, with those enlarged views and devotion to science which have ever characterized him, directed the surgeons at all the military posts extending over our vast country, to report accurately to the surgeon-general at Washington every case of disease, its character, its treatment, and the result, and also to keep a minute register of the weather, the temperature, the moisture, and the winds, to be reported in like manner to the surgeon-general. To enable them to comply with the order, he directed the surgeons at

the various posts to be furnished with thermometers, barometers, and hygrometers, and the surgeon-general from time to time to publish the result of their observations in condensed reports, which were continued during the time he remained in the war department. The result has been, a mass of valuable facts, connected with the diseases and the climate of our widely-extended country, collected through the long period of nearly a quarter of a century."*

The important facts thus obtained under the auspices of Mr. Calhoun, were afterward collected and arranged by the late Dr. Samuel Forry, then of the United States Army, and, together with other materials, published by him in three different works, entitled "Medical Statistics of the United States," "The Climate of the United States and its Endemic Influences," and "Meteorology." Besides rendering his aid and assistance in securing these valuable contributions to the cause of science, Mr. Calhoun was one of the earliest friends and advocates of that great national enterprise—the coast survey—originated during the administration of Mr. Monroe. He laid the foundation, too, of the extensive gallery of Indian portraits which long adorned the walls of the War office, and constitute now one of the most attractive and interesting ornaments of the halls of the National Institute.

In every branch of his duties as the presiding officer of the war department, Mr. Calhoun did the state good service; and the influence of his clear mind, his precision and love of order, his punctuality and integrity, was felt by all his subordinate officers and agents. The

* Memoir of Mr. Calhoun, 1843.

improvements which he introduced were not evanescent in their character, nor of temporary duration; but they were designed to be permanent, and the sequel proved them such in reality. His purgation of the Augean stable was complete. Unsettled accounts were no longer left to accumulate till the halls of Congress echoed and reëchoed with the clamors of the public creditor; the reörganization of the army was as admirable in practice as in theory; the system of fortifications which he proposed, maritime as well as frontier, afforded all the protection needed or desired; and the removal of the Indians beyond the Mississippi, which he warmly recommended, as experience has demonstrated, was a boon and a blessing to the red men of the forest. The system of financial administration which he first established, is still in operation—daily bearing witness to the practical talents of the great mind that originated it. So perfect has it been found, that notwithstanding the immense amount of money disbursed by the department since he was at its head, exceeding two hundred millions of dollars, no losses of any importance have happened.*

From his position as a member of the cabinet, and the necessity of devoting his whole time to the performance of his official duties, Mr. Calhoun had little leisure, as he had not much inclination, for participating in the strifes and contests upon the various political questions agitated during the administration of Mr. Monroe. Though averse to the legislation by Congress on the subject of domestic slavery, he approved of the course of Mr. Monroe in regard to the Missouri compromise,

* From 1821 to 1836, there was no loss on an expenditure of one hundred millions.

viewing it strictly as a measure of conciliation and peace ; but his opinions on the subject were afterwards changed.

The tariff question was again presented under this administration. The act of 1816 contemplated a reduction of duties in 1819. The manufacturing interest had increased to the proportions and stature of a giant, but like the plant forced in a hothouse, it still required some artificial stimulus. In 1818, the friends of a high protective tariff beset Congress with their applications for an increase of duties. The profits of the manufacturers were large, but like the daughters of the horseleech, they continued to cry "give! give!" In 1819 they succeeded in procuring the appointment of a committee on manufactures. This was a decided innovation, as previous to that time the subject had been entirely under the control of the appropriate revenue committee. Mr. Monroe, against the advice of Mr. Calhoun, was finally induced to recommend additional encouragement, and at length the act of 1824, which established an average rate of duties of about thirty-eight per cent. was passed. This bill originated with the iron manufacturers of Pennsylvania and the other middle states, who had recently held a convention at Pittsburg, but it was not countenanced or approved by the manufacturers of the eastern states. The members of the South also opposed it in a body. Mr. Calhoun concurred in sentiment with his political friends from the same section of the country, although he thought that injustice had been done to the iron interest in Pennsylvania by the act of 1816.*

* Speech against the Force Bill.

During the administration of Mr. Monroe the subject of internal improvements was likewise again agitated. Mr. Calhoun was, in the main, an idle but not an indifferent spectator, of what was going on around him. He was led to reflect more than he had ever before done on the power of Congress under the constitution to construct works of internal improvement, on account of the continued agitation of the subject, and the impression ultimately made upon his mind, that no such power existed, was clear and abiding. He did not approve, therefore, of Mr. Monroe's recommendations in regard to internal improvements, though the opinions advanced in the special message of May 4th, 1822, corresponded essentially with those which he himself entertained.

CHAPTER VII.

Presidential Election of 1824—Mr. Calhoun chosen Vice-President—Character as Presiding Officer—Refusal to leave his seat when a tie vote was anticipated—Decision in regard to the right to call to order—Opposition to the Measures of Mr. Adams—Reëlection of Mr. Calhoun—The Tariff Question—Matured Opinions—Address.

It is very common for a certain class of people to lament the degeneracy of the present age,—as common as it is for another class to maintain, that

> "Old politicians chime on wisdom past,
> And totter on in blunders to the last."

The one are true conservative bigots, wedded to ancient forms and usages, and the other ultra progessionists, fond of overturning for the sake of overturning, and never so well pleased as when the destruction of an old system furnishes the opportunity of substituting some favorite theory of their own. Human institutions are by no means perfect, and it would, perhaps, be impossible to frame a law or a constitution, for one generation, which should be construed by another, under a change of time and circumstances, in the same manner. One abuse is very apt to be followed by a score, and innovation is the prolific mother of a numerous brood. Yet, after all, he has studied the great book of human nature to but little purpose, who imagines that politicians are, in the main, any more corrupt at

this day than they were a hundred years ago. No class of men are more liable to selfishness, and they are not more influenced by that feeling now than they have ever been.

If we examine the political controversies that occurred in the early history of our country, we find them presenting the same characteristics which similar disputes now do. Adams and Jefferson were abused and calumniated, with as much zeal and bitterness, by the cotemporaneous newspaper press, in 1800, as were Polk and Clay in 1844. Madison and Monroe, too, were treated with as little consideration by their opponents as were the younger Adams, General Jackson, or Mr. Van Buren. The contest for the presidency in 1808, or that in 1816, was as earnest and animated, and the opposing candidates and their friends as anxious, as was the case in 1848; and the election of 1840 was not viewed with more interest by politicians than that of 1824. Latterly, the people have more directly participated in the presidential elections, because the candidates are nominated in popular conventions, and the electors are everywhere chosen, with but one exception, by the popular suffrage; yet it is very doubtful whether the present system is better than the old. Congressional caucuses were bad enough, but it is questionable, whether the influence that secures the nomination of a particular candidate by a national convention, does not most commonly emanate from the political coteries at Washington.

From the peculiar circumstances attending the contest for the presidency in 1824, it was characterized by as much, if not more, asperity and virulence, than were

usual on such occasions. The course pursued by the federal party in relation to the war of 1812 had completely alienated from them the affections of the people, and their organization was almost entirely lost during the "era of good feeling" introduced by Mr. Monroe. The party as a party split into fragments. Many still continued to adhere to their old principles, but the greater number henceforth eschewed them, and adopted, in whole or in part, those of the republican school.

Long before the expiration of Mr. Monroe's second term, it was quite evident to every observing mind, that the federalists, as such, were scarcely to be taken into account so far as the question of his successor was concerned. None but a republican could be elected—that needed no demonstration. But among the republicans themselves, there was a great diversity of opinion. Six different candidates were in the first place proposed by their respective friends, each one of whom claimed to belong to the republican party. In the northern and eastern states John Quincy Adams was the favorite; Henry Clay was the choice of Kentucky, Ohio, and Missouri; Andrew Jackson was the most popular in the south-west, and the southern states generally were divided between him, and William H. Crawford; while the state of South Carolina presented the name of one of her most distinguished sons, William Lowndes, and Pennsylvania that of another, Mr. Calhoun.

The nomination of Mr. Calhoun was not anticipated by himself; neither was Mr. Lowndes aware of the kind wishes and intentions of his friends till his name was regularly proposed. Between the two there had

long existed a warm personal friendship, and as soon as Mr. Calhoun heard of his nomination, he called on Mr. Lowndes, and assured him that it had been made without his procurement or solicitation, and that he should much regret to have the circumstance of their being opposing candidates produce any change in their private relations. His friendly feelings were cordially reciprocated by Mr. Lowndes, and the canvass would undoubtedly have proceeded to its close without impairing their mutual esteem, had not the untimely death of Mr. Lowndes, in October, 1822, forever removed him from the political arena. The relations of Mr. Calhoun with all the other candidates, except Mr. Crawford, were likewise friendly. In 1816, Mr. Calhoun had preferred Mr. Monroe to Mr. Crawford, and though opposed to the plan of holding a congressional caucus, he attended that which was held and supported the candidate whom he preferred. This occasioned some slight bitterness of feeling, which was heightened by the continued opposition of Mr. Calhoun to Mr. Crawford when the latter was a second time brought forward, as the successor to Mr. Monroe.

It is unnecessary, however, to recapitulate all the circumstances attending the presidential election in 1824. The friends of Jackson, Adams, Clay, and Calhoun, who constituted a majority of the republican members of Congress, refused to go into a caucus, as is well known, whereupon the minority met and nominated Mr. Crawford. As between the other candidates, Mr. Calhoun preferred General Jackson; and as it was likely that a warm contest would spring up between their respective

friends in Pennsylvania, the name of the former was finally withdrawn in compliance with his wishes.

Mr. Calhoun being no longer a candidate for the presidential office, he was instantly taken up by the friends of General Jackson and Mr. Adams as their candidate for the vice-presidency. He also received the support of a portion of the friends of Mr. Clay, for the same office. South Carolina gave her electoral vote to General Jackson and Mr. Calhoun, and her members were unanimous in their preference of the former over Mr. Adams, the successful candidate, when the question came before the House of Representatives for their decision. Mr. Calhoun himself was chosen vice-president by the colleges,—he receiving one hundred and eighty-two of the two hundred and sixty-one electoral votes.

On the 4th day of March, 1825, Mr. Calhoun took his seat in the Senate of the United States as its presiding officer. He left the war department, not as he found it, in confusion and disorder, but in every branch regularity and order had been restored or introduced. The great energy and vigor of his mind, as well as the happy combination of his administrative talents, had been displayed in its management; and so apparent were the importance and appropriateness of the reforms which he had originated, that General Bernard, the chief of the Corps of Engineers while Mr. Calhoun was secretary of war, and a favorite officer of Napoleon, often compared him to that great man. His course, too, was calculated to gain the respect, while he did not lose the esteem, of the officers of the army, for he did away entirely with the system of favoritism which had been

tolerated from mistaken notions of expediency, and left merit to make its own way, without unduly forcing it, or obstructing it by checks and restraints.

As vice-president, the duties of Mr. Calhoun were limited and not often arduous. He always appeared in his seat early in the session and remained there till shortly before its close. He was prompt and punctual, regular in his attendance, and never remiss in his duties. He was simple yet dignified; urbane and courteous; careful himself to observe the rules of decorum, and to exact the same from others. He contributed a great deal to raise the dignity of the Senate and to elevate its character. It had been usual for senators when referring to each other, and for the chair in putting questions, to use the term "gentlemen." Mr. Calhoun substituted for this the more appropriate and dignified term of "senators," which has ever since been preserved. He was never absent from his seat when a tie vote on any important question was anticipated. Occasions of this kind were not of frequent occurrence; but one, in particular, deserves to be mentioned. When the tariff bill of 1828 was pending before the Senate, Mr. Calhoun was the republican candidate for vice-president on the same ticket with General Jackson, and as many of the friends of the latter in the northern states were favorable to the bill, it was feared that the supporters of Mr. Adams would, as an electioneering trick, so arrange matters in the Senate as to compel Mr. Calhoun to give the casting vote against the bill, in accordance with his well-known opinions. He was warmly urged, therefore, to leave his seat, in the event of a tie vote, because, it was said, this would be in fact a defeat of the

bill, and he would avoid prejudicing the election of the republican candidates. But it was not in his nature to shrink from any responsibility,—and the duty or power of giving the casting vote he regarded as one of great solemnity. It was one of the checks and balances devised by the wisdom of the framers of the constitution, and he was the last man to underrate its importance. He informed his friends, therefore, that he could not consistently vacate his seat, but that they need have no fears in regard to the election of General Jackson, for, if he was obliged to give the casting vote against the bill, as he certainly should do if the emergency contemplated by the constitution occurred, his name would be promptly withdrawn from the ticket. This was not rendered necessary as the bill was passed by a majority vote, but Mr. Calhoun is none the less entitled to credit for resisting the temptations which would have allured him from the path of duty.

Mr. Calhoun also signalized his term of service as vice-president by the stand he took in defence of the rights of the Senate against his own power. At the outset of his administration, Mr. Adams encountered a most violent opposition on the part of the friends of General Jackson, Mr. Crawford, Mr. Calhoun, and a part of the former supporters of Mr. Clay. The Panamá question, involving the principle contended for by the federalists during the discussions on Jay's treaty that the treaty-making power was supreme, presented the first opportunity for the trial of strength in Congress. Party feeling was high, and the debates in both Houses were unusually animated. Mr. Randolph, then a senator from Virginia, was extremely

bitter in his attacks upon the administration, and not contenting himself—as he never could—with discussing the merits of the question at issue, he condemned the motives of the president and the cabinet in the strongest terms, and denounced the Secretary of State, (Mr. Clay) in particular, for his agency in producing the election of Mr. Adams.

The friends of the administration writhed under these attacks, but instead of retorting as they had been provoked to do, they censured the vice-president for not calling Mr. Randolph to order for words spoken in debate. Mr. Calhoun was opposed to the Panamá mission, *in toto*, and to the federal doctrines maintained by the friends of Mr. Adams, but no motives of this kind influenced him in deciding that he did not possess the power to call to order. His decision was upheld by Mr. McLane, Mr. Van Buren, Mr. Macon, Mr. Tazewell and Mr. Tyler, though some of them were of opinion that the power ought to be given to the vice-president, as was in fact afterward done. But Mr. Adams himself entered the lists as his own champion, and attacked the decision through the columns of the National Intelligencer over the signature of Patrick Henry. Mr. Calhoun replied over the signature of Onslow in two numbers, both of which were replete with sound arguments and convincing illustrations, and, taken together, constituted a complete justification of his course.

As Mr. Calhoun was opposed to the Panamá mission, so he did not regard with favor the other leading measures of the administration of Mr. Adams—a high tariff for protection and a general system of improvements.

The mission question having been settled, the "American System," of which the protective tariff and internal improvement system were features, in one or other of its phases, was agitated during the whole term of Mr. Adams; nor was it even temporarily disposed of till the Maysville veto, and the passage of the compromise act.

Mr. Calhoun was reëlected vice-president in 1828, as the republican candidate on the same ticket with General Jackson. His opponent was Richard Rush of Pennsylvania, who received only eighty-three of the electoral votes while more than double that number were given to Mr. Calhoun. The republican friends of Mr. Crawford in Georgia, however, supported William Smith of South Carolina, and gave him the vote of the state.

While Mr. Calhoun filled the office of vice-president he had abundant leisure for study and reflection, without encroaching on the time necessarily devoted to his duties. His opinions upon the theory of the government, the true construction of the constitution, and political questions generally, underwent a thorough examination and revision, and, with the exception of some slight changes or modifications subsequently made, were now fully matured. In regard to the tariff, he came to the conclusion that the general government had no power to collect any more revenue than was sufficient to defray the expenses of the government economically administered, and that in anticipation of the payment of the public debt there ought to be a gradual reduction of the duties to the revenue standard. Having come to this conclusion, he was then led to

consider what remedy was provided, in case the opposite doctrines prevailed, as he had but too much reason to fear they would. These can be expressed in no better manner than in the language of his address to the people of South Carolina dated at Fort Hill, July 26th, 1831, which is here subjoined:

ADDRESS TO THE PEOPLE OF SOUTH CAROLINA.

The question of the relation which the States and General Government bear to each other is not one of recent origin. From the commencement of our system, it has divided public sentiment. Even in the Convention, while the Constitution was struggling into existence, there were two parties as to what this relation should be, whose different sentiments constituted no small impediment in forming that instrument. After the General Government went into operation, experience soon proved that the question had not terminated with the labors of the Convention. The great struggle that preceded the political revolution of 1801, which brought Mr. Jefferson into power, turned essentially on it, and the doctrines and arguments on both sides were embodied and ably sustained: on the one, in the Virginia and Kentucky Resolutions, and the Report to the Virginia Legislature; and on the other, in the replies of the Legislature of Massachusetts and some of the other states. These resolutions and this report, with the decision of the Supreme Court of Pennsylvania about the same time (particularly in the case of Cobbett, delivered by Chief-justice M'Kean, and concurred in by the whole bench), contain what I believe to be the true doctrine on this important subject. I refer to them in order to avoid the necessity of presenting my views, with the reasons in support of them, in detail.

As my object is simply to state my opinions, I might pause with this reference to documents that so fully and ably state all the points immediately connected with this deeply-important subject; but as there are many who may not have the opportunity or leisure to refer to them, and as it is possible, however clear they may be, that different persons may place different interpretations on their meaning, I will, in order that my sentiments may be fully known, and to avoid all ambiguity, proceed to state summarily the doctrines which I conceive they embrace.

The great and leading principle is, that the General Government emanated from the people of the several states, forming distinct political communities, and acting in their separate and sovereign capacity, and not from all of the people forming one aggregate political community; that the Constitution of the United States is, in fact, a compact, to which each state is a party, in the character already described; and that several states, or parties, have a right to judge of its infractions; and in case of a deliberate, palpable, and dangerous exercise of power not delegated, they have the right, in the last resort, to use the language of the Virginia Resolutions, "*to interpose for arresting the progress of the evil, and for maintaining, within their respective limits, the authorities, rights, and liberties appertaining to them.*" This right of interposition, thus solemnly asserted by the State of Virginia, be it called what it may—State-right, veto, nullification, or by any other name—I conceive to be the fundamental principle of our system, resting on facts historically as certain as our revolution itself, and deductions as simple and demonstrative as that of any political or moral truth whatever; and I firmly believe that on its recognition depend the stability and safety of our political institutions.

I am not ignorant that those opposed to the doctrine have always, now and formerly, regarded it in a very different light, as anarchical and revolutionary. Could I believe such, in fact, to be its tendency, to me it would be no recommendation. I yield to none, I trust, in a deep and sincere attachment to our political institutions and the union of these states. I never breathed an opposite sentiment; but, on the contrary, I have ever considered them the great instruments of preserving our liberty, and promoting the happiness of ourselves and our posterity; and next to these I have ever held them most dear. Nearly half my life has been passed in the service of the Union, and whatever public reputation I have acquired is indissolubly identified with it. To be too national has, indeed, been considered by many, even of my friends, to be my greatest political fault. With these strong feelings of attachment, I have examined, with the utmost care, the bearing of the doctrine in question; and, so far from anarchical or revolutionary, I solemnly believe it to be the only solid foundation of our system, and of the Union itself; and that the opposite doctrine, which denies to the states the right of protecting their reserved powers, and which would vest in the General Government (it matters not through what department) the right of determining, exclusively and finally, the

powers delegated to it, is incompatible with the sovereignty of the states, and of the Constitution itself, considered as the basis of a Federal Union. As strong as this language is, it is not stronger than that used by the illustrious Jefferson, who said to give to the General Government the final and exclusive right to judge of its powers, is to make "*its discretion*, and *not the Constitution, the measure of its powers*;" and that, "*in all cases of compact between parties having no common judge, each party has an equal right to judge for itself, as well of the infraction as of the mode and measure of redress.*" Language cannot be more explicit, nor can higher authority be adduced.

That different opinions are entertained on this subject, I consider but as an additional evidence of the great diversity of the human intellect. Had not able, experienced, and patriotic individuals, for whom I have the highest respect, taken different views, I would have thought the right too clear to admit of doubt; but I am taught by this, as well as by many similar instances, to treat with deference opinions differing from my own. The error may, possibly, be with me; but if so, I can only say that, after the most mature and conscientious examination, I have not been able to detect it. But, with all proper deference, I must think that theirs is the error who deny what seems to be an essential attribute of the conceded sovereignty of the states, and who attribute to the General Government a right utterly incompatible with what all acknowledge to be its limited and restricted character: an error originating principally, as I must think, in not duly reflecting on the nature of our institutions, and on what constitutes the only rational object of all political constitutions.

It has been well said by one of the most sagacious men of antiquity, that the object of a constitution is to *restrain the government, as that of laws* is to restrain *individuals*. The remark is correct; nor is it less true where the government is vested in a majority than where it is in a single or a few individuals—in a republic, than a monarchy or aristocracy. No one can have a higher respect for the maxim that the majority ought to govern than I have, taken in its proper sense, subject to the restrictions imposed by the Constitution, and confined to subjects in which every portion of the community have similar interests; but it is a great error to suppose, as many do, that the right of a majority to govern is a natural and not a conventional right, and therefore absolute and unlimited. By nature every individual has the right to govern himself; and governments, whether founded on majorities or

minorities, must derive their right from the assent, expressed or implied, of the governed, and be subject to such limitations as they may impose. Where the interests are the same, that is, where the law that may benefit one will benefit all, or the reverse, it is just and proper to place them under the control of the majority; but where they are dissimilar, so that the law that may benefit one portion may be ruinous to another, it would be, on the contrary, unjust and absurd to subject them to its will; and such I conceive to be the theory on which our Constitution rests.

That such dissimilarity of interests may exist, it is impossible to doubt. They are to be found in every community, in a greater or less degree, however small or homogeneous, and they constitute everywhere the great difficulty of forming and preserving free institutions. To guard against the unequal action of the laws, when applied to dissimilar and opposing interests, is, in fact, what mainly renders a constitution indispensable; to overlook which, in reasoning on our Constitution, would be to omit the principal element by which to determine its character. Were there no contrariety of interests, nothing would be more simple and easy than to form and preserve free institutions. The right of suffrage alone would be a sufficient guarantee. It is the conflict of opposing interests which renders it the most difficult work of man.

Where the diversity of interests exists in separate and distinct classes of the community, as is the case in England, and was formerly the case in Sparta, Rome, and most of the free states of antiquity, the rational constitutional provision is that each should be represented in the government, as a separate estate, with a distinct voice, and a negative on the acts of its co-estates, in order to check their encroachments. In England the Constitution has assumed expressly this form, while in the governments of Sparta and Rome the same thing was effected under different, but not much less efficacious forms. The perfection of their organization, in this particular, was that which gave to the constitutions of these renowned states all their celebrity, which secured their liberty for so many centuries, and raised them to so great a height of power and prosperity. Indeed, a constitutional provision giving to the great and separate interests of the community the right of self-protection, must appear, to those who will duly reflect on the subject, not less essential to the preservation of liberty than the right of suffrage itself. They, in fact, have a common object, to effect which the one is as neces-

sary as the other to secure *responsibility:* that is, *that those who make and execute the laws should be accountable to those on whom the laws in reality operate—the only solid and durable foundation of liberty.* If, without the right of suffrage, our rulers would oppress us, so, without the right of self protection, the major would equally oppress the minor interests of the community. The absence of the former would make the governed the slaves of the rulers, and of the latter, the feebler interests, the victim of the stronger.

Happily for us, we have no artificial and separate classes of society. We have wisely exploded all such distinctions; but we are not, on that account, exempt from all contrariety of interests, as the present distracted and dangerous condition of our country, unfortunately, but too clearly proves. With us they are almost exclusively geographical, resulting mainly from difference of climate, soil, situation, industry, and production, but are not, therefore, less necessary to be protected by an adequate constitutional provision than where the distinct interests exist in separate classes. The necessity is, in truth, greater, as such separate and dissimilar geographical interests are more liable to come into conflict, and more dangerous, when in that state, than those of any other description: so much so, that *ours is the first instance on record where they have not formed, in an extensive territory, separate and independent* communities, *or subjected the whole to despotic sway.* That such may not be our unhappy fate also, must be the sincere prayer of every lover of his country.

So numerous and diversified are the interests of our country, that they could not be fairly represented in a single government, organized so as to give to each great and leading interest a separate and distinct voice, as in governments to which I have referred. A plan was adopted better suited to our situation, but perfectly novel in its character. The powers of the government were divided, not as heretofore, in reference to classes, but geographically. One General Government was formed for the whole, to which was delegated all the powers supposed to be necessary to regulate the interests common to all the states, leaving others subject to the separate control of the states, being, from their local and peculiar character, such that they could not be subject to the will of a majority of the whole Union, without the certain hazard of injustice and oppression. It was thus that the interests of the whole were subjected, as they ought to be, to the will of the whole, while the peculiar and local interests were left under the con-

trol of the states separately, to whose custody only they could be safely confided. This distribution of power, settled solemnly by a constitutional compact, to which all the states are parties, constitutes the peculiar character and excellence of our political system. It is truly and emphatically *American, without example or parallel.*

To realize its perfection, we must view the General Government and those of the states as a whole, each in its proper sphere independent; each perfectly adapted to its respective objects; the states acting separately, representing and protecting the local and peculiar interests; acting jointly through one General Government, with the weight respectively assigned to each by the Constitution, representing and protecting the interest of the whole, and thus perfecting, by an admirable but simple arrangement, the great principle of representation and responsibility, without which no government can be free or just. To preserve this sacred distribution as originally settled, by coercing each to move in its prescribed orb, is the great and difficult problem, on the solution of which the duration of our Constitution, of our Union, and, in all probability, our liberty depends. How is this to be effected?

The question is new when applied to our peculiar political organization, where the separate and conflicting interests of society are represented by distinct but connected governments; but it is, in reality, an old question under a new form, long since perfectly solved. Whenever separate and dissimilar interests have been separately represented in any government; whenever the sovereign power has been divided in its exercise, the experience and wisdom of ages have devised but one mode by which such political organization can be preserved—the mode adopted in England, and by all governments, ancient and modern, blessed with constitutions deserving to be called free—to give to each co-estate the right to judge of its powers, with a negative or veto on the acts of the others, in order to protect against encroachments the interests it particularly represents: a principle which all of our Constitutions recognize in the distribution of power among their respective departments, as essential to maintain the independence of each, but which to all who will duly reflect on the subject, must appear far more essential, for the same object, in that great and fundamental distribution of powers between the General and State Governments. So essential is the principle, that to withhold the right from either, where the sovereign power is divided, is, in fact, *to annul the division* itself, and to *consolidate* in the one left in the exclusive possession of the right *all* powers of govern-

ment; for it is not possible to distinguish, practically, between a government having all power, and one having the right to take what powers it pleases. Nor does it in the least vary the principle, whether the distribution of power be between co-estates, as in England, or between distinctly organized but connected governments, as with us. The reason is the same in both cases, while the necessity is greater in our case, as the danger of conflict is greater where the interests of a society are divided geographically than in any other, as has already been shown.

These truths do seem to me to be incontrovertible; and I am at a loss to understand how any one, who has maturely reflected on the nature of our institutions, or who has read history or studied the principles of free government to any purpose, can call them in question. The explanation must, it appears to me, be sought in the fact that in every free state there are those who look more to the necessity of maintaining power than guarding against its abuses. I do not intend reproach, but simply to state a fact apparently necessary to explain the contrariety of opinions among the intelligent, where the abstract consideration of the subject would seem scarcely to admit of doubt. If such be the true cause, I must think the fear of weakening the government too much in this case to be in a great measure unfounded, or, at least, that the danger is much less from that than the opposite side. I do not deny that a power of so high a nature may be abused by a state, but when I reflect that the states unanimously called the General Government into existence with all its powers, which they freely delegated on their part, under the conviction that their common peace, safety, and prosperity required it; that they are bound together by a common origin, and the recollection of common suffering and common triumph in the great and splendid achievement of their independence; and that the strongest feelings of our nature, and among them the love of national power and distinction, are on the side of the Union, it does seem to me that the fear which would strip the states of their sovereignty, and degrade them, in fact, to mere dependent corporations, lest they should abuse a right indispensable to the peaceable protection of those interests which they reserved under their own peculiar guardianship when they created the General Government, is unnatural and unreasonable. If those who voluntarily created the system cannot be trusted to preserve it, who can?

So far from extreme danger, I hold that there never was a free state in which this great conservative principle, indispensable to all, was ever

so safely lodged. In others, when the co-estates representing the dissimilar and conflicting interests of the community came into contact, the only alternative was compromise, submission, or force. Not so in ours. Should the General Government and a state come into conflict, we have a higher remedy; the power which called the General Government into existence, which gave it all its authority, and can enlarge, contract, or abolish its powers at its pleasure, may be invoked. The states themselves may be appealed to, three fourths of which, in fact, form a power whose decrees are the Constitution itself, and whose voice can silence all discontent. The utmost extent, then, of the power is, that a state acting in its sovereign capacity, as one of the parties to the constitutional compact, may compel the government, created by that compact, to submit a question touching its infraction to the parties who created it; to avoid the supposed dangers of which it is proposed to resort to the novel, the hazardous, and, I must add, fatal project of giving to the General Government the sole and final right of interpreting the Constitution, thereby reversing the whole system, making that instrument the creature of its will instead of a rule of action impressed on it at its creation, and annihilating, in fact, the authority which imposed it, and from which the government itself derives its existence.

That such would be the result, were the right in question vested in the legislative or executive branch of the government, is conceded by all. No one has been so hardy as to assert that Congress or the President ought to have the right, or deny that, if vested finally and exclusively in either, the consequences which I have stated would necessarily follow: but its advocates have been reconciled to the doctrine, on the supposition that there is one department of the General Government which, from its peculiar organization, affords an independent tribunal through which the government may exercise the high authority which is the subject of consideration, with perfect safety to all.

I yield, I trust, to few in my attachment to the judiciary department. I am fully sensible of its importance, and would maintain it to the fullest extent in its constitutional powers and independence; but it is impossible for me to believe that it was ever intended by the Constitution that it should exercise the power in question, or that it is competent to do so; and, if it were, that it would be a safe depositary of the power.

Its powers are judicial, and not political, and are expressly confined by the Constitution "to all *cases* in law and equity arising under this Constitution, the laws of the United States, and the treaties made, or

which shall be made, under its authority;" and which I have high authority in asserting excludes political questions, and comprehends those only where there are parties amenable to the process of the court.* Nor is its incompetency less clear than its want of constitutional authority. There may be many, and the most dangerous infractions on the part of Congress, of which, it is conceded by all, the court, as a judicial tribunal, cannot, from its nature, take cognizance. The tariff itself is a strong case in point; and the reason applies equally *to all others where Congress perverts a power from an object intended to one not intended, the most insidious and dangerous of all infractions; and which may be extended to all its powers, more especially to the taxing and appropriating.* But supposing it competent to take cognizance of all infractions of every description, the insuperable objection still remains, that it would not be a safe tribunal to exercise the power in question.

It is a universal and fundamental political principle, that the power to protect can safely be confided only to those interested in protecting, or their responsible agents—a maxim not less true in private than in public affairs. The danger in our system is, that the General Government, which represents the interests of the whole, may encroach on the states, which represents the peculiar and local interests, or that the latter may encroach on the former.

In examining this point, we ought not to forget that the government, through all its departments, judicial as well as others, is administered by delegated and responsible agents; and that the *power which really controls, ultimately, all the movements, is not in the agents, but those who elect or appoint them.* To understand, then, its real character, and what would be the action of the system in any supposable case, we must raise our view from the mere agents to this high controlling power, which finally impels every movement of the machine. By doing so, we shall find all under the control of the will of a majority, compounded of the majority of the states, taken as corporate bodies, and the majority of the people of the states, estimated in federal numbers. These, united, constitute the real and final power which impels and directs the movements of the General Government. The majority of the states elect the majority of the Senate; of the people of the states, that of the House of Representatives; the two united, the President; and the President and a majority of the Senate appoint the judges: a majority

* I refer to the authority of Chief-Justice Marshall, in the case of Jonathan Robbins. I have not been able to refer to the speech, and speak from memory.

of whom, and a majority of the Senate and House, with the President, really exercise all the powers of the government, with the exception of the cases where the Constitution requires a greater number than a majority. The judges are, in fact, as truly the judicial representatives of this united majority, as the majority of Congress itself, or the President, is its legislative or executive representative; and to confide the power to the judiciary to determine finally and conclusively what powers are delegated and what reserved, would be, in reality, to confide it to the majority, whose agents they are, and by whom they can be controlled in various ways; and, of course, to subject (against the fundamental principle of our system and all sound political reasoning) the reserved powers of the states, with all the local and peculiar interests they were intended to protect, to the will of the very majority against which the protection was intended. Nor will the tenure by which the judges hold their office, however valuable the provision in many other respects, materially vary the case. Its highest possible effect would be to *retard*, and not *finally* to *resist* the will of a dominant majority.

But it is useless to multiply arguments. Were it possible that reason could settle a question where the passions and interests of men are concerned, this point would have been long since settled forever by the State of Virginia. The report of her Legislature, to which I have already referred, has really, in my opinion, placed it beyond controversy. Speaking in reference to this subject, it says: "It has been objected" (to the right of a state to interpose for the protection of her reserved rights) "that the judicial authority is to be regarded as the sole expositor of the Constitution. On this objection it might be observed, first, that there may be instances of usurped powers which the forms of the Constitution could never draw within the control of the judicial department; secondly, that, if the decision of the judiciary be raised above the sovereign parties of the Constitution, the decisions of the other departments, not carried by the forms of the Constitution before the judiciary, must be equally authoritative and final with the decision of that department. But the proper answer to the objection is, that the resolution of the General Assembly relates to those great and extraordinary cases in which all the forms of the Constitution may prove ineffectual against infractions dangerous to the essential rights of the parties to it. The resolution supposes that dangerous powers, not delegated, may not only be usurped and executed by the other departments, but that the judicial department may also exercise or

sanction dangerous powers, beyond the grant of the Constitution, and, consequently, that the ultimate right of the parties to the Constitution to judge whether the compact has been dangerously violated, must extend to violations by one delegated authority, as well as by another—by the judiciary, as well as by the executive or legislative."

Against these conclusive arguments, as they seem to me, it is objected that, if one of the parties has the right to judge of infractions of the Constitution, so has the other; and that, consequently, in cases of contested powers between a state and the General Government, each would have a right to maintain its opinion, as is the case when sovereign powers differ in the construction of treaties or compacts, and that, of course, it would come to be a mere question of force. The error is in the assumption that the General Government is a party to the constitutional compact. The states, as has been shown, formed the compact, acting as sovereign and independent communities. The General Government is but its creature; and though, in reality, a government, with all the rights and authority which belong to any other government, within the orbit of its powers, it is, nevertheless, a government emanating from a compact between sovereigns, and partaking, in its nature and object, of the character of a joint commission, appointed to superintend and administer the interests in which all are jointly concerned, but having, beyond its proper sphere, no more power than if it did not exist. To deny this would be to deny the most incontestable facts and the clearest conclusions; while to acknowledge its truth is to destroy utterly the objection that the appeal would be to force, in the case supposed. For, if each party has a right to judge, then, under our system of government, the final cognizance of a question of contested power would be in the states, and not in the General Government. It would be the duty of the latter, as in all similar cases of a contest between one or more of the principals and a joint commission or agency, to refer the contest to the principals themselves. Such are the plain dictates of both reason and analogy. On no sound principle can the agents have a right to final cognizance, as against the principals, much less to use force against them to maintain their construction of their powers. Such a right would be monstrous, and has never, heretofore, been claimed in similar cases.

That the doctrine is applicable to the case of a contested power between the states and the General Government, we have the authority not only of reason and analogy, but of the distinguished statesman

already referred to. Mr. Jefferson, at a late period of his life, after long experience and mature reflection, says, "With respect to our State and Federal Governments, I do not think their relations are correctly understood by foreigners. They suppose the former are subordinate to the latter. This is not the case. They are coördinate departments of one simple and integral whole. But you may ask, If the two departments should claim each the same subject of power, where is the umpire to decide between them? In cases of little urgency or importance, the prudence of both parties will keep them aloof from the questionable ground; but, if it can neither be avoided nor compromised, a convention of the states must be called to ascribe the doubtful power to that department which they may think best." It is thus that our Constitution, by authorizing amendments, and by prescribing the authority and mode of making them, has, by a simple contrivance, with its characteristic wisdom, provided a power which, in the last resort, supersedes effectually the necessity, and even the pretext for force: a power to which none can fairly object; with which the interests of all are safe; which can definitively close all controversies in the only effectual mode, by freeing the compact of every defect and uncertainty, by an amendment of the instrument itself. It is impossible for human wisdom, in a system like ours, to devise another mode which shall be safe and effectual, and, at the same time, consistent with what are the relations and acknowledged powers of the two great departments of our government. It gives a beauty and security peculiar to our system, which, if duly appreciated, will transmit its blessings to the remotest generations; but, if not, our splendid anticipations of the future will prove but an empty dream. Stripped of all its covering, the naked question is, whether ours is a federal or a consolidated government; a constitutional or absolute one; a government resting ultimately on the solid basis of the sovereignty of the states or on the unrestrained will of a majority; a form of government, as in all other unlimited ones, in which injustice, and violence, and force must finally prevail. *Let it never be forgotten that, where the majority rules without restriction, the minority is the subject;* and that, if we should absurdly attribute to the former the exclusive right of construing the Constitution, there would be, in fact, between the sovereign and subject, under such a government, no constitution, or, at least, nothing deserving the name, or serving the legitimate object of so sacred an instrument."

How the states are to exercise this high power of interposition,

which constitutes so essential a portion of their reserved rights that it *cannot be delegated without an entire surrender of their sovereignty*, and converting our system from a *federal* into a *consolidated* government, is a question that the states only are competent to determine. The arguments which prove that they possess the power, equally prove that they are, in the language of Jefferson, "*the rightful judges of the mode and measure of redress.*" But the spirit of forbearance, as well as the nature of the right itself, forbids a recourse to it, except in cases of dangerous infractions of the Constitution; and then only in the last resort, when all reasonable hope of relief from the ordinary action of the government has failed; when, if the right to interpose did not exist, the alternative would be submission and oppression on one side, or resistance by force on the other. That our system should afford, in such extreme cases, an intermediate point between these dire alternatives, by which the government may be brought to a pause, and thereby an interval obtained to compromise differences, or, if impracticable, be compelled to submit the question to a constitutional adjustment, through an appeal to the states themselves, is an evidence of its high wisdom: an element not, as is supposed by some, of weakness, but of strength; not of anarchy or revolution, but of peace and safety. *Its general recognition would of itself, in a great measure, if not altogether, supersede the necessity of its exercise, by impressing on the movements of the government that moderation and justice so essential to harmony and peace, in a country of such vast extent and diversity of interests as ours;* and would, if controversy should come, turn the resentment of the aggrieved from the system to those who had abused its powers (a point all-important), and cause them to seek redress, *not in revolution or overthrow, but in reformation.* It is, in fact, properly understood, *a substitute, where the alternative would be force, tending to prevent, and, if that fails, to correct peaceably the aberrations to which all systems are liable, and which, if permitted to accumulate without correction, must finally end in a general catastrophe.*

I have now said what I intended in reference to the abstract question of the relation of the states to the General Government, and would here conclude, did I not believe that a mere general statement on an abstract question, without including that which may have caused its agitation, would be considered by many imperfect and unsatisfactory. Feeling that such would be justly the case, I am compelled, reluctantly, to touch on the tariff, so far, at least, as may be necessary to illustrate

the opinions which I have already advanced. Anxious, however, to intrude as little as possible on the public attention, I will be as brief as possible; and with that view will, as far as may be consistent with my object, avoid all debatable topics.

Whatever diversity of opinion may exist in relation to the principle, or the effect on the productive industry of the country, of the present, or any other tariff of protection, there are certain political consequences flowing from the present which none can doubt, and all must deplore. It would be in vain to attempt to conceal, that it has divided the country into two great geographical divisions, and arrayed them against each other, in opinion at least, if not interests also, on some of the most vital of political subjects—on its finance, its commerce, and its industry—subjects calculated, above all others, in time of peace, to produce excitement, and in relation to which the tariff has placed the sections in question in deep and dangerous conflict. If there be any point on which the (I was going to say, southern section, but to avoid as far as possible, the painful feelings such discussions are calculated to excite, I shall say) weaker of the two sections is unanimous, it is that its prosperity depends, in a great measure, on free trade, light taxes economical, and, as far as possible, equal disbursements of the public revenue, and unshackled industry, leaving them to pursue whatever may appear most advantageous to their interests. From the Potomac to the Mississippi, there are few, indeed, however divided on other points, who would not, if dependent on their volition, and if they regarded the interest of their particular section only, remove from commerce and industry every shackle, reduce the revenue to the lowest point that the wants of the government fairly required, and restrict the appropriations to the most moderate scale consistent with the peace, the security, and the engagements of the public; and who do not believe that the opposite system is calculated to throw on them an unequal burden, to repress their prosperity, and to encroach on their enjoyment.

On all these deeply-important measures, the opposite opinion prevails, if not with equal unanimity, with at least a greatly preponderating majority, in the other and stronger section; so much so, that no two distinct nations ever entertained more opposite views of policy than these two sections do on all the important points to which I have referred. Nor is it less certain that this unhappy conflict, flowing directly from the tariff, has extended itself to the halls of legisla-

tion, and has converted the deliberations of Congress into an annual struggle between the two sections; the stronger to maintain and increase the superiority it has already acquired, and the other to throw off or diminish its burdens: a struggle in which all the noble and generous feelings of patriotism are gradually subsiding into sectional and selfish attachments.* Nor has the effect of this dangerous conflict ended here. It has not only divided the two sections on the important point already stated, but on the deeper and more dangerous questions, the constitutionality of a protective tariff, and the general principles and theory of the Constitution itself: the stronger, in order to maintain their superiority, giving a construction to the instrument which the other believes would convert the General Government into a consolidated, irresponsible government, with the total destruction of liberty; and the weaker, seeing no hope of relief with such assumption of powers, turning its eye to the reserved sovereignty of the states, as the only refuge from oppression. I shall not extend these remarks, as I might, by showing that, while the effect of the system of protection was rapidly alienating one section, it was not less rapidly, by its necessary operation, distracting and corrupting the other; and, between the two, subjecting the administration to violent and sudden changes, totally inconsistent with all stability and wisdom in the management of the affairs of the nation, of which we already see fearful symptoms. Nor do I deem it necessary to inquire whether this unhappy conflict grows out of true or mistaken views of interest on either or both sides. Regarded in either light, it ought to admonish us of the extreme danger to which our system is exposed, and the great moderation and wisdom necessary to preserve it. If it comes from mistaken views—if the interests of the two sections, as affected by the tariff, be really the same, and the system, instead of acting unequally, in reality diffuses equal blessings, and imposes equal burdens on every part—it ought to teach us how liable those who are differently situated, and who view their interests under different aspects, are to come to different conclusions, even when their interests are strictly the same; and, consequently, with what extreme caution any system of policy ought

* This system, if continued, must end, not only in subjecting the industry and property of the weaker section to the control of the stronger, but in proscription and political disfranchisement. It must finally control elections and appointments to offices, as well as acts of legislation, to the great increase of the feelings of animosity, and of the fatal tendency to complete alienation between the sections.

to be adopted, and with what a spirit of moderation pursued, in a country of such great extent and diversity as ours. But if, on the contrary, the conflict springs really from contrariety of interests—if the burden be on one side and the benefit on the other—then are we taught a lesson not less important, how little regard we have for the interests of others while in pursuit of our own; or, at least, how apt we are to consider our own interest the interest of all others; and, of course, how great the danger, in a country of such acknowledged diversity of interests, of the oppression of the feebler by the stronger interest, and, in consequence of it, of the most fatal sectional conflicts. But whichever may be the cause, the real or supposed diversity of interest, it cannot be doubted that the political consequences of the prohibitory system, be its effects in other respects beneficial or otherwise, are really such as I have stated; nor can it be doubted that a conflict between the great sections, on questions so vitally important, indicates a condition of the country so distempered and dangerous, as to demand the most serious and prompt attention. It is only when we come to consider of the remedy, that, under the aspect I am viewing the subject, there can be, among the informed and considerate, any diversity of opinion.

Those who have not duly reflected on its dangerous and inveterate character, suppose that the disease will cure itself; that events ought to be left to take their own course; and that experience, in a short time, will prove that the interest of the whole community is the same in reference to the tariff, or, at least, whatever diversity there may now be, time will assimilate. Such has been their language from the beginning, but, unfortunately, the progress of events has been the reverse. The country is now more divided than in 1824, and then more than in 1816. The majority may have increased, but the opposite sides are, beyond dispute, more determined and excited than at any preceding period. Formerly, the system was resisted mainly as inexpedient; but now, as unconstitutional, unequal, unjust, and oppressive. Then, relief was sought exclusively from the General Government; but now, many, driven to despair, are raising their eyes to the reserved sovereignty of the states as the only refuge. If we turn from the past and present to the future, we shall find nothing to lessen, but much to aggravate the danger. The increasing embarrassment and distress of the staple states, the growing conviction, from experience, that they are caused by the prohibitory system principally, and that under its continued

operation, their present pursuits must become profitless, and with a conviction that their great and peculiar agricultural capital cannot be diverted from its ancient and hereditary channels without ruinous losses, all concur to increase, instead of dispelling, the gloom that hangs over the future. In fact, to those who will duly reflect on the subject, the hope that the disease will cure itself must appear perfectly illusory. The question is, in reality, one between the exporting and non-exporting interests of the country. *Were there no exports, there would be no tariff.* It would be perfectly useless. On the contrary, so long as there are states which raise the great agricultural staples with the view of obtaining their supplies, and which must depend on the general market of the world for their sales, the conflict must remain if the system should continue, and the disease become more and more inveterate. Their interest, and that of those who, by high duties, would confine the purchase of their supplies to the home market, must, from the nature of things, in reference to the tariff, be in conflict. Till, then, we cease to raise the great staples cotton, rice, and tobacco, for the general market, and till we can find some other profitable investment for the immense amount of capital and labor now employed in their production, the present unhappy and dangerous conflict cannot terminate, unless with the prohibitory system itself.

In the mean time, while idly waiting for its termination through its own action, the progress of events in another quarter is rapidly bringing the contest to an immediate and decisive issue. We are fast approaching a period very novel in the history of nations, and bearing directly and powerfully on the point under consideration—the final payment of a long-standing funded debt—a period that cannot be greatly retarded, or its natural consequences eluded, without proving disastrous to those who attempt either, if not to the country itself. When it arrives the government will find itself in possession of a surplus revenue of $16,000,000 or $12,000,000, if not previously disposed of—which presents the important question, What previous disposition ought to be made? a question which must press urgently for decision at the very next session of Congress. It cannot be delayed longer without the most distracting and dangerous consequences.

The honest and obvious course is, to prevent the accumulation of the surplus in the treasury by a timely and judicious reduction of the imposts; and thereby to leave the money in the pockets of those who made it, and from whom it cannot be honestly nor constitutionally taken

unless required by the fair and legitimate wants of the government. If, neglecting a disposition so obvious and just, the government should attempt to keep up the present high duties, when the money is no longer wanted, or to dispose of this immense surplus by enlarging the old, or devising new schemes of appropriations; or, finding that to be impossible, it should adopt, the most dangerous, unconstitutional, and absurd project ever devised by any government, of dividing the surplus among the states—a project which, if carried into execution, would not fail to create an antagonist interest between the states and General Government on all questions of appropriations, which would certainly end in reducing the latter to a mere office of collection and distribution —either of these modes would be considered by the section suffering under the present high duties as a fixed determination to perpetuate forever what it considers the present unequal, unconstitutional, and oppressive burden; and from that moment it would cease to look to the General Government for relief. This deeply-interesting period, which must prove so disastrous should a wrong direction be given, but so fortunate and glorious, should a right one, is just at hand. The work must commence at the next session, as I have stated, or be left undone, or, at least, be badly done. The succeeding session would be too short, and too much agitated by the presidential contest, to afford the requisite leisure and calmness; and the one succeeding would find the country in the midst of the crisis, when it would be too late to prevent an accumulation of the surplus; which I hazard nothing in saying, judging from the nature of men and government, if once permitted to accumulate, would create an interest strong enough to perpetuate itself, supported, as it would be, by others so numerous and powerful; and thus would pass away a moment, never to be quietly recalled, so precious, if properly used, to lighten the public burden; to equalize the action of the government; to restore harmony and peace; and to present to the world the illustrious example, which could not fail to prove most favorable to the great cause of liberty everywhere, of a nation the freest, and, at the same time, the best and most cheaply governed; of the highest earthly blessing at the least possible sacrifice.

As the disease will not, then, heal itself, we are brought to the question, Can a remedy be applied? and if so, what ought it to be?

To answer in the negative would be to assert that our Union has utterly failed; and that the opinion, so common before the adoption of our Constitution, that a free government could not be practically ex-

tended over a large country, was correct: and that ours had been destroyed by giving it limits so great as to comprehend, not only dissimilar, but irreconcilable interests. I am not prepared to admit a conclusion that would cast so deep a shade on the future, and that would falsify all the glorious anticipations of our ancestors, while it would so greatly lessen their high reputation for wisdom. Nothing but the clearest demonstration, founded on actual experience, will ever force me to a conclusion so abhorrent to all my feelings. As strongly as I am impressed with the great dissimilarity, and, as I must add, as truth compels me to do, contrariety of interests in our country, resulting from the causes already indicated, and which are so great that they cannot be subjected to the unchecked will of a majority of the whole without defeating the great end of government, and without which it is a curse—justice—yet I see in the Union, as ordained by the Constitution, the means, if wisely used, not only of reconciling all diversities, but also the means, and the only effectual one, of securing to us justice, peace, and security, at home and abroad, and with them that national power and renown, the love of which Providence has implanted, for wise purposes, so deeply in the human heart: in all of which great objects, every portion of our country, widely extended and diversified as it is, has a common and identical interest. If we have the wisdom to place a proper relative estimate on these more elevated and durable blessings, the present and every other conflict of like character may be readily terminated; but if, reversing the scale, each section should put a higher estimate on its immediate and peculiar gains, and, acting in that spirit, should push favorite measures of mere policy, without some regard to peace, harmony or justice, our sectional conflicts would then, indeed, without some constitutional check, become interminable, except by the dissolution of the Union itself. That we have, in fact, so reversed the estimate, is too certain to be doubted, and the result is our present distempered and dangerous condition. The cure must commence in the correction of the error; and not to admit that we have erred would be the worst possible symptom. It would prove the disease to be incurable, through the regular and ordinary process of legislation; and would compel, finally a resort to extraordinary, but I still trust, not only constitutional, but safe remedies.

No one would more sincerely rejoice than myself to see the remedy applied from the quarter where it could be most easily and regularly done. It is the only way by which those who think that it is the only

quarter from which it can constitutionally come, can possibly sustain their opinion. To omit the application by the General Government would compel even them to admit the truth of the opposite opinion, or force them to abandon our political system in despair; while, on the other hand, all their enlightened and patriotic opponents would rejoice at such evidence of moderation and wisdom, on the part of the General Government, as would supersede a resort to what they believe to be the higher powers of our political system, as indicating a sounder state of public sentiment than has ever heretofore existed in any country, and thus affording the highest possible assurance of the perpetuation of our glorious institutions to the latest generation. For, as a people advance in knowledge, in the same degree they may dispense with mere artificial restrictions in their government; and we may imagine (but dare not expect to see it) a state of intelligence so universal and high, that all the guards of liberty may be dispensed with except an enlightened public opinion, acting through the right of suffrage; but it presupposes a state where every class and every section of the community are capable of estimating the effects of every measure, not only as it may affect itself, but every other class and section; and of fully realizing the sublime truth that the highest and wisest policy consists in maintaining justice, and promoting peace and harmony; and that, compared to these, schemes of mere gain are but trash and dross. I fear experience has already proved that we are far removed from such a state, and that we must, consequently, rely on the old and clumsy, but approved mode of checking power, in order to prevent or correct abuses; but I do trust that, though far from perfect, we are, at least, so much so as to be capable of remedying the present disorder in the ordinary way; and thus to prove that with us public opinion is so enlightened, and our political machine so perfect, as rarely to require for its preservation the intervention of the power that created it. How is that to be effected?

The application may be painful, but the remedy, I conceive, is certain and simple. There is but one effectual cure—an honest reduction of the duties to a fair system of revenue, adapted to the just and constitutional wants of the government. Nothing short of this will restore the country to peace, harmony, and mutual affection. There is already a deep and growing conviction, in a large section of the country, that the impost, even as a revenue system, is extremely unequal, and that it is mainly paid by those who furnish the means of paying the foreign exchanges of the country on which it is laid; and that the case would

not be varied, taking into the estimate the entire action of the system, whether the producer or consumer pays in the first instance.

I do not propose to enter formally into the discussion of a point so complex and contested; but, as it has necessarily a strong practical bearing on the subject under consideration in all its relations, I cannot pass it without a few general and brief remarks:

If the producer in reality pays, none will doubt but the burden would mainly fall on the section it is supposed to do. The theory that the consumer pays in the first instance renders the proposition more complex, and will require, in order to understand where the burden, in reality, ultimately falls, on that supposition, to consider the protective, or, as its friends call it, the American System, under its threefold aspect of taxation, of protection, and of distribution, or as performing, at the same time, the several functions of giving a revenue to the government, of affording protection to certain branches of domestic industry, and furnishing means to Congress of distributing large sums through its appropriations: all of which are so blended in their effects, that it is impossible to understand its true operation without taking the whole into the estimate.

Admitting, then, as supposed, that he who consumes the article pays the tax in the increased price, and that the burden falls wholly on the consumers, without affecting the producers as a class (which, by-the-by, is far from being true, except in the single case, if there be such a one, where the producers have a monopoly of an article so indispensable to life that the quantity consumed cannot be affected by any increase of price), and that, considered in the light of a tax merely, the impost duties fall equally on every section in proportion to its population, still, when combined with its other effects, the burden it imposes as a tax may be so transferred from one section to the other as to take it from one and place it wholly on the other. Let us apply the remark first to its operation as a system of protection:

The tendency of the tax or duty on the imported article is not only to raise its price, but also, in the same proportion, that of the domestic article of the same kind, for which purpose, when intended for protection, it is, in fact, laid; and, of course, in determining where the system ultimately places the burden in reality, this effect, also, must be taken into the estimate. If one of the sections exclusively produces such domestic articles, and the other purchases them from it, then it is clear that to the amount of such increased prices, the tax or duty on the con

sumption of foreign articles would be transferred from the section producing the domestic articles to the one that purchased and consumed them, unless the latter, in turn, be indemnified by the increased price of the objects of its industry, which none will venture to assert to be the case with the great staples of the country which form the basis of our exports, the price of which is regulated by the foreign, and not the domestic market. To those who grow them, the increased price of the foreign and domestic articles both, in consequence of the duty on the former, is in reality, and in the strictest sense, a tax, while it is clear that the increased price of the latter acts as a bounty to the section producing them; and that, as the amount of such increased prices on what it sells to the other section is greater or less than the duty it pays on the imported articles, the system will, in fact, operate as a bounty or tax: if greater, the difference would be a bounty; if less, a tax.

Again, the operation may be equal in every other respect, and yet the pressure of the system, relatively, on the two sections, be rendered very unequal by the appropriations or distribution. If each section receives back what it paid into the treasury, the equality, if it previously existed, will continue; but if one receives back less, and the other proportionably more than is paid, then the difference in relation to the sections will be to the former a loss, and to the latter a gain; and the system, in this aspect, would operate to the amount of the difference, as a contribution from the one receiving less than it paid to the other that receives more. Such would be incontestably its general effects, taken in all its different aspects, even on the theory supposed to be most favorable to prove the equal action of the system, that the consumer pays in the first instance the whole amount of the tax.

To show how, on this supposition, the burden and advantages of the system would actually distribute themselves between the sections, would carry me too far into details; but I feel assured, after full and careful examination, that they are such as to explain what otherwise would seem inexplicable, that one section should consider its repeal a calamity and the other a blessing; and that such opposite views should be taken by them as to place them in a state of determined conflict in relation to the great fiscal and commercial interests of the country. Indeed, were there no satisfactory explanation, the opposite views that prevail in the two sections as to the effects of the system, ought to satisfy all of its unequal action. There can be no safer, or more certain rule, than to suppose each portion of the country equally capable of understanding

its respective interests, and that each is a much better judge of the effects of any system or measures on its peculiar interest than the other can possibly be.

But, whether the opinion of its unequal action be correct or erroneous, nothing can be more certain than that the impression is widely extending itself, that the system, under all its modifications, is essentially unequal; and if to that be added a conviction still deeper and more universal, that every duty imposed *for the purpose of protection is not only unequal, but also unconstitutional*, it would be a fatal error to suppose that any remedy, short of that which I have stated, can heal our political disorders.

In order to understand more fully the difficulty of adjusting this unhappy contest on any other ground, it may not be improper to present a general view of the constitutional objection, that it may be clearly seen how hopeless it is to expect that it can be yielded by those who have embraced it.

They believe that all the powers vested by the Constitution in Congress are not only restricted by the limitations expressly imposed, but also by the nature and object of the powers themselves. Thus, though the power to impose duties on imports be granted in general terms, without any other express limitations but that they shall be equal, and no preference shall be given to the ports of one state over those of another, yet, as being a portion of the taxing power given with the view of raising the revenue, it is, from its nature, restricted to that object, as much so as if the Convention had expressly so limited it; and that to use it to effect any other purpose not specified in the Constitution, is an infraction of the instrument in its most dangerous form—an infraction by perversion, more easily made, and more difficult to resist, than any other. The same view is believed to be applicable to the power of regulating commerce, as well as all the other powers. To surrender this important principle, it is conceived, would be to surrender all power, and to render the government unlimited and despotic; and to yield it up, in relation to the particular power in question, would be, in fact, to surrender the control of the whole industry and capital of the country to the General Government, and would end in placing the weaker section in a colonial relation with the stronger. For nothing are more dissimilar in their nature, or may be more unequally affected by the same laws, than different descriptions of labor and property; and if taxes, by increasing the amount and changing the intent only,

may be perverted, in fact, into a system of penalties and rewards, it would give all the power that could be desired to subject the labor and property of the minority to the will of the majority, to be regulated without regarding the interest of the former in subserviency to the will of the latter. Thus thinking, it would seem unreasonable to expect that any adjustment, based on the recognition of the correctness of a construction of the Constitution which would admit the exercise of such a power, would satisfy the weaker of two sections, particularly with its peculiar industry and property, which experience has shown may be so injuriously affected by its exercise. Thus much for one side.

The just claim of the other ought to be equally respected. Whatever excitement the system has justly caused in certain portions of our country, I hope and believe all will conceive that the change should be made with the least possible detriment to the interests of those who may be liable to be affected by it, consistently with what is justly due to others, and the principles of the Constitution. To effect this will require the kindest spirit of conciliation and the utmost skill; but, even with these, it will be impossible to make the transition without a shock, greater or less, though I trust, if judiciously effected, it will not be without many compensating advantages. That there will be some such cannot be doubted. It will, at least, be followed by greater stability, and will tend to harmonize the manufacturing with all of the other great interests of the country, and bind the whole in mutual affection. But these are not all. Another advantage of essential importance to the ultimate prosperity of our manufacturing industry will follow. *It will cheapen production;* and, in that view, the loss of any one branch will be nothing like in proportion to the reduction of duty on that particular branch. Every reduction will, in fact, operate as a bounty to every other branch except the one reduced; and thus the effect of a general reduction will be to cheapen, universally, the price of production, by cheapening living, wages, and materials, so as to give, if not equal profits after the reduction—profits by no means reduced proportionally to the duties—an effect which, as it regards the foreign markets, is of the utmost importance. It must be apparent, on reflection, that the means adopted to secure the home market for our manufactures are precisely the opposite of those necessary to obtain the foreign. In the former, the increased expense of production, in consequence of a system of protection, may be more than compensated by the increased price at home of the article protected; but in the lat-

ter, this advantage is lost; and, as there is no other corresponding compensation, the increased cost of production must be a dead loss in the foreign market. But whether these advantages, and many others that might be mentioned, will ultimately compensate to the full extent or not the loss to the manufacturers, on the reduction of the duties, certain it is, that we have approached a point at which a great change cannot be much longer delayed; and that the more promptly it may be met, the less excitement there will be, and the greater leisure and calmness for a cautious and skillful operation in making the transition; and which it becomes those more immediately interested to duly consider. Nor ought they to overlook, in considering the question, the different character of the claims of the two sides. The one asks from government no advantage, but simply to be let alone in the undisturbed possession of their natural advantages, and to secure which, as far as was consistent with the other objects of the Constitution, was one of their leading motives in entering into the Union; while the other side claims, for the advancement of their prosperity, the positive interference of the government. In such cases, on every principle of fairness and justice, such interference ought to be restrained within limits strictly compatible with the natural advantages of the other. He who looks to all the causes in operation, the near approach of the final payment of the public debt, the growing disaffection and resistance to the system in so large a section of the country, the deeper principles on which opposition to it is gradually turning, must be, indeed, infatuated not to see a great change is unavoidable; and that the attempt to elude or much longer delay it must finally but increase the shock and disastrous consequences which may follow.

In forming the opinions I have expressed, I have not been actuated by an unkind feeling towards our manufacturing interests. I now am, and ever have been, decidedly friendly to them, though I cannot concur in all the measures which have been adopted to advance them. I believe considerations higher than any question of mere pecuniary interest forbade their use. But subordinate to these higher views of policy, I regard the advancement of mechanical and chemical improvements in the arts with feelings little short of enthusiasm; not only as the prolific source of national and individual wealth, but as the great means of enlarging the domain of man over the material world, and thereby of laying the solid foundation of a highly-improved condition of society, morally and politically. I fear not that we shall extend

our power too far over the great agents of nature; but, on the contrary, I consider such enlargement of our power as tending more certainly and powerfully to better the condition of our race than any one of the many powerful causes now operating to that result. With these impressions, I not only rejoice at the general progress of the arts in the world, but in their advancement in our own country; and as far as protection may be incidentally afforded, in the fair and honest exercise of our constitutional powers, I think now, as I have always thought, that sound policy, connected with the security, independence, and peace of the country, requires it should be done, but that we cannot go a single step beyond without jeopardizing our peace, our harmony, and our liberty—considerations of infinitely more importance to us than any measure of mere policy can possibly be.

In thus placing my opinions before the public, I have not been actuated by the expectation of changing the public sentiment. Such a motive, on a question so long agitated, and so beset with feelings of prejudice and interest, would argue, on my part, an insufferable vanity, and a profound ignorance of the human heart. To avoid as far as possible the imputation of either, I have confined my statement, on the many and important points on which I have been compelled to touch, to a simple declaration of my opinion, without advancing any other reasons to sustain them than what appeared to me to be indispensable to the full understanding of my views; and if they should, on any point, be thought to be not clearly and explicitly developed, it will, I trust, be attributed to my solicitude to avoid the imputations to which I have alluded, and not to any desire to disguise my sentiments, nor to the want of arguments and illustrations to maintain positions which so abound in both, that it would require a volume to do them anything like justice. I can only hope that truths which, I feel assured, are essentially connected with all that we ought to hold most dear, may not be weakened in the public estimation by the imperfect manner in which I have been, by the object in view, compelled to present them.

With every caution on my part, I dare not hope, in taking the step I have, to escape the imputation of improper motives; though I have, without reserve, freely expressed my opinions, not regarding whether they might or might not be popular. I have no reason to believe that they are such as will conciliate public favor, but the opposite, which I greatly regret, as I have ever placed a high estimate on the good opinion of my fellow-citizens. But, be that as it may, I shall, at least,

be sustained by feelings of conscious rectitude. I have formed my opinions after the most careful and deliberate examination, with all the aids which my reason and experience could furnish; I have expressed them honestly and fearlessly, regardless of their effects personally, which, however interesting to me individually, are of too little importance to be taken into the estimate, where the liberty and happiness of our country are so vitally involved.

CHAPTER VIII.

Nullification—The Protective System introduced—Act of 1828—Opposition in the Southern States—State Interposition proposed—Mr. Calhoun's Views—Election of General Jackson—Distribution and Protection combined—Dissolution of the Cabinet—Difficulty between Mr. Calhoun and General Jackson—Letter to Governor Hamilton—Convention in South Carolina—Mr. Calhoun elected a Senator in Congress.

We now approach the most important and eventful period in the life and history of Mr. Calhoun—the period of Nullification—in which the great battle between State-rights and the Consolidation doctrines of the federal party was fought on the floor of Congress. Of the former he was the especial champion. He stood forth as the prominent advocate of the cherished principles of the old republican creed; and although, in the opinion of many, perhaps the most of his former party associates, he went beyond what they supposed the design and intention of those by whom that creed was originally formed and adopted, he defended his position with a zeal that knew no abatement, and with a resoluteness of purpose that left no room to doubt his sincerity.

In the midst of calumny and detraction he was always calm and self-possessed. Though the particular object of misrepresentation, he only claimed a hearing for his opinions, and if that were denied, he left it to time—that true touchstone of merit in men and in things—to test

their correctness and their importance. Torrents of obloquy and abuse were poured upon him without stint or favor; yet, like Galileo exclaiming in the midst of his persecutors, indignant at his renunciation of the Copernican system, "*E pur si muove!*"*—so he maintained, in and through all, that the truth and the right were on his side.

The Nullification controversy, as it has been termed, grew out of the system of high protective duties long contended for by the manufacturing interest and the friends of the American system, and finally established by the act of 1828. By the act of 1816, a reduction of five per cent. on woollen and cotton goods was made in 1819; and the protectionists forthwith commenced their efforts to procure a modification of the law more favorable to their interests. Their exertions were continued from year to year, till they were ultimately crowned with success, through the efforts, in great part, of Mr. Adams and Mr. Clay. The act of 1816 went beyond the true revenue limit, but so long as the policy was merely to foster and build up domestic manufactures, and while the public debt remained unpaid, Mr. Calhoun, and others who entertained similar views, were content not to insist upon a reduction of the duties to the revenue standard. The debt must be provided for, and this, it was probable, would absorb the surplus of revenue for a long time to come.

In 1824, the protectionists procured the passage of the act of that year increasing the profits of certain branches of manufactures already established, and offering great inducements for the establishment of others.

* "And yet, it moves!"

Three years later—at the session of 1826–7—"the woollens' bill," designed almost exclusively for the benefit of the manufacturers, was brought before Congress. Public attention was now fully aroused to the proceedings of the manufacturers, and various interests appeared in the field, each contending for a share of the benefits to be derived from a high protective tariff. The doctrine of temporary protection, partially forgotten in 1824, was now to be entirely abandoned, and favoritism substituted for encouragement. The manufacturers of the Eastern states, the iron manufacturers in Pennsylvania and New Jersey, and the producers of wool and hemp in the Northern and Western states generally, were all earnestly enlisted in favor of a high tariff, but their interests were so often found to be conflicting, that harmony of action could not be secured.

Political considerations at length entered into the controversy. The growing popularity of General Jackson filled the friends of Mr. Adams with alarm, and when it was seen how many powerful interests at the north were arrayed in favor of a high tariff, an effort was made to secure their support in the approaching canvass, for without their assistance it was certain that the administration would not be sustained. A convention of the advocates of a protective tariff was therefore called and held at Harrisburg, in July, 1827, at which a system of high duties was fixed upon, which was satisfactory to all the manufacturing interests, but not acceptable to the agricultural friends of protection. The supporters of Mr. Adams now counted with great confidence on the election of their candidate, for, said they, "if the friends of General Jackson in the tariff states

oppose the Harrisburg plan, the electoral votes of those states will be lost to him, and his defeat must then certainly follow; and on the other hand, if they support the plan, the southern and south-western states will not vote for him unless he disavows the proceedings of his friends at the north."

But the friends of General Jackson were not so easily entrapped. They elected their speaker in the House of Representatives at the session of 1827–8, and obtained a majority on the committee on manufactures. A bill was then prepared, calculated to favor the wool and hemp growers and to satisfy the iron manufacturers, but not affording the desired protection to the manufacturers of woollen and cotton goods, though it was afterward arranged so as to be more agreeable to them. In this contest for political power, the great principles of truth and justice were disregarded and the interests of the staple states at the south completely overlooked. After a long struggle the act of 1828 was passed by the votes of nearly all the friends of a high protective system in Congress. This bill was fitly termed by one of its authors "a great error," and by a leading advocate of protection *for the sake of protection*, "a bill of abominations." It imposed a tariff of duties averaging nearly fifty per cent. on the imports, and considerations of revenue had very little to do with the manner in which it was formed, or with its passage.

Only three representatives from the southern states, with the exception of the whole delegation from Kentucky, who either supported the American System of Mr. Clay or were influenced by the protection given to hemp, voted for the act of 1828. Its passage elicited

a general expression of indignation in the Southern states, and most of their legislatures adopted strong resolutions condemning it in unqualified terms as being unjust, oppressive, and unconstitutional.

Mr. Calhoun was now regarded with almost filial affection and reverence by the citizens of his native state, and on his return home at the close of the session, he was visited by a number of leading and influential men, and the question was repeatedly propounded to him—what must be done? His reply was, that they must not hazard the election of General Jackson, upon whom he relied to counteract the dangerous tendencies of the times, and it was better to wait and see whether his administration would not reduce the duties to the revenue standard before the public debt was paid, or, at least, take the necessary steps to secure that reduction whenever it should be finally discharged. But if they were disappointed, then he advised that the unconstitutional laws should be resisted, and that a resort should be had to state interposition, or, in other words, nullification.

Resistance had previously been recommended, at a public meeting of the citizens of Colleton district held in June, 1828, and at other gatherings of the people similar sentiments were freely avowed. Mr. Calhoun was firmly of the opinion that nullification was the rightful remedy, but his advice of forbearance was followed by his friends. He consented, however, to give expression to his views, and at the request of a member of the legislature, prepared a paper exposing the objectionable features of the act of 1828 and the injurious effects which must result from it, and pointing out the remedy for the evil. Five thousand copies of this paper

were ordered to be printed by the legislature, which met in December, 1828, under the title of "The South Carolina Exposition and Protest on the subject of the Tariff." The legislature then contented itself with passing a resolution declaring the tariff acts of Congress for the protection of domestic manufactures unconstitutional, and that they ought to be resisted, and inviting other states to coöperate with South Carolina in measures of resistance. By this legislature, also, electors were chosen who gave the vote of the state to General Jackson and Mr. Calhoun.

Time wore on. General Jackson was inaugurated, but no relief came. The influence of the tariff friends of the administration was controlling, and the president expressed the opinion that no satisfactory adjustment of the tariff could be made, which would not leave a large annual surplus beyond what was required by the government for its current service, wherefore he recommended the adoption of some plan for its distribution or apportionment among the states, to be expended on objects of internal improvement.* This recommendation appeared to Mr. Calhoun to be an aggravation of the original cause of complaint, and he could see nothing in the scheme of distribution but a premium and an inducement to the friends of a high protective tariff to persist in maintaining the system which they had fastened upon the country. He viewed it as a bribe to the states, to secure their support of the system as the fixed and settled policy of the national government.

Meanwhile the friendly relations previously existing between General Jackson and Mr. Calhoun had been

* Annual Messages of 1829 and 1830.

interrupted. Mr. Van Buren was secretary of state, and both he and Mr. Calhoun were looked upon as candidates for the succession. Their respective friends in the cabinet became discontented with each other; the bad feelings which had been engendered, were increased by difficulties between their families, and by the absence of harmony of opinion in regard to the tariff, and finally ended in the resignation of all the secretaries and the attorney-general, and the construction of an entire new cabinet. This took place in the spring of 1831, and from that time Mr. Calhoun was regarded as one of the opposers of the administration. He and General Jackson were probably too much alike in disposition long to agree cordially together, and the feelings of animosity cherished by the latter were much heightened by the disclosure to him, about this time, of the fact that Mr. Calhoun, as a member of Mr. Monroe's cabinet, had advised that he should be punished or reprimanded for his course during the Seminole campaign, in the execution of Arbuthnot and Ambrister. Each possessed an iron will, and each had inherited many of the traits peculiar to their common ancestry.

It was impossible that the public action of Mr. Calhoun should not be affected by this change in his personal and political relations, and it may sometimes have so far influenced him as to bias his views and feelings in many particulars. Shortly after his resignation of the office of Secretary of State Mr. Van Buren was nominated minister to England, and at the session of 1831–32, he was rejected in the Senate by the casting vote of the vice-president, Mr. Calhoun, who thought that the instructions of the late secretary to Mr. McLane,

then minister to England, in regard to the West India trade, were not consistent with the dignity of the country, inasmuch as they proposed an apology, as he thought, for the acts of the previous administration.

In the mean time, Mr. Calhoun had complied with the importunities of his numerous friends in South Carolina, and issued the address heretofore given, dated at Fort Hill, in July, 1831. This address was followed by the annexed letter to Governor Hamilton, which appeared in the ensuing year:

LETTER TO GOVERNOR HAMILTON.

Fort Hill, August 28th, 1832.

My Dear Sir—I have received your note of the 31st July, requesting me to give you a fuller development of my views than that contained in my address last summer, on the right of a state to defend her reserved powers against the encroachments of the General Government.

As fully occupied as my time is, were it doubly so, the quarter from which the request comes, with my deep conviction of the vital importance of the subject, would exact a compliance.

No one can be more sensible than I am that the address of last summer fell far short of exhausting the subject. It was, in fact, intended as a simple statement of my views. I felt that the independence and candor which ought to distinguish one occupying a high public station, imposed a duty on me to meet the call for my opinion by a frank and full avowal of my sentiments, regardless of consequences. To fulfil this duty, and not to discuss the subject, was the object of the address. But, in making these preliminary remarks, I do not intend to prepare you to expect a full discussion on the present occasion. What I propose is, to touch some of the more prominent points that have received less of the public attention than their importance seems to me to demand.

Strange as the assertion may appear, it is, nevertheless, true, that the great difficulty in determining whether a state has the right to defend her reserved powers against the General Government, or, in fact,

any right at all beyond those of a mere corporation, is to bring the public mind to realize plain historical facts connected with the origin and formation of the government. Till they are fully understood, it is impossible that a correct and just view can be taken of the subject. In this connection, the first and most important point is to ascertain distinctly who are the real authors of the Constitution of the United States—whose powers created it—whose voice clothed it with authority; and whose agent the government it formed in reality is. At this point, I commence the execution of the task which your request has imposed.

The formation and adoption of the Constitution are events so recent, and all the connected facts so fully attested, that it would seem impossible that there should be the least uncertainty in relation to them; and yet, judging by what is constantly heard and seen, there are few subjects on which the public opinion is more confused. The most indefinite expressions are habitually used in speaking of them. Sometimes it is said that the Constitution was made by the states, and at others, as if in contradistinction, by the people, without distinguishing between the two very different meanings which may be attached to those general expressions; and this, not in ordinary conversation, but in grave discussions before deliberative bodies, and in judicial investigations, where the greatest accuracy on so important a point might be expected; particularly as one or the other meaning is intended, conclusions the most opposite must follow, not only in reference to the subject of this communication, but as to the nature and character of our political system. By a state may be meant either the government of a state or the people, as forming a separate and independent community; and by the people, either the American people taken collectively, as forming one great community, or as the people of the several states, forming, as above stated, separate and independent communities. These distinctions are essential in the inquiry. If by the people be meant the people collectively, and not the people of the several states taken separately; and if it be true, indeed, that the Constitution is the work of the American people collectively; if it originated with them, and derives its authority from their will, then there is an end of the argument. The right claimed for a state of defending her reserved powers against the General Government would be an absurdity. Viewing the American people collectively as the source of political power, the rights of the states would be mere concessions—concessions from

the common majority, and to be revoked by them with the same facility that they were granted. The states would, on this supposition, bear to the Union the same relation that counties do to the states; and it would, in that case, be just as preposterous to discuss the right of interposition, on the part of a state, against the General Government, as that of the counties against the states themselves. That a large portion of the people of the United States thus regard the relation between the state and the General Government, including many who call themselves the friends of State-rights and opponents of consolidation, can scarcely be doubted, as it is only on that supposition it can be explained that so many of that description should denounce the doctrine for which the state contends as so absurd. But, fortunately, the supposition is entirely destitute of truth. So far from the Constitution being the work of the American people collectively, no such political body either now, or ever did, exist. In that character the people of this country never performed a single political act, nor, indeed, can, without an entire revolution in all our political relations.

I challenge an instance. From the beginning, and in all the changes of political existence through which we have passed, the people of the United States have been united as forming political communities, and not as individuals. Even in the first stage of existence, they formed distinct colonies, independent of each other, and politically united only through the British crown. In their first imperfect union, for the purpose of resisting the encroachments of the mother-country, they united as distinct political communities; and, passing from their colonial condition, in the act announcing their independence to the world, they declared themselves, by name and enumeration, free and independent states. In that character, they formed the old confederation; and, when it was proposed to supersede the articles of the confederation by the present Constitution, they met in convention as states, acted and voted as states; and the Constitution, when formed, was submitted for ratification to the people of the several states: it was ratified by them as states, each state for itself; each by its ratification binding its own citizens; the parts thus separately binding themselves, and not the whole parts; to which, if it be added, that it is declared in the preamble of the Constitution to be ordained by the people of the *United States*, and in the article of ratification, when ratified, it is declared "*to be binding between the states so ratifying.*" The conclusion is inevitable, that the Constitution is the work of the people of the states, considered as separate and

independent political communities; that they are its authors—their power created it, their voice clothed it with authority—that the government formed is, in reality, their agent; and that the Union, of which the Constitution is the bond, is a union of states, and not of individuals. No one, who regards his character for intelligence and truth, has ever ventured directly to deny facts so certain; but while they are too certain for denial, they are also too conclusive in favor of the rights of the states for admission. The usual course has been adopted—to elude what can neither be denied nor admitted; and never has the device been more successfully practised. By confounding states with state governments, and the people of the states with the American people collectively—things, as it regards the subject of this communication, totally dissimilar, as much so as a triangle and a square—facts of themselves perfectly certain and plain, and which, when well understood, must lead to a correct conception of the subject, have been involved in obscurity and mystery.

I will next proceed to state some of the results which necessarily follow from the facts which have been established.

The first, and, in reference to the subject of this communication, the most important, is, that there is *no direct* and *immediate* connection between the individual citizens of a state and the General Government. The relation between them is through the state. The Union is a union of states as communities, and not a union of individuals. As members of a state, her citizens were originally subject to no control but that of the state, and could be subject to no other, except by the act of the state itself. The Constitution was, accordingly, submitted to the states for their separate ratification; and it was only by the ratification of the state that its citizens became subject to the control of the General Government. The ratification of any other, or all the other states, without its own, could create no connection between them and the General Government, nor impose on them the slightest obligation. Without the ratification of their own state, they would stand in the same relation to the General Government as do the citizens or subjects of any foreign state; and we find the citizens of North Carolina and Rhode Island actually bearing that relation to the government for some time after it went into operation; these states having, in the first instance, declined to ratify. Nor had the act of any individual the least influence in subjecting him to the control of the General Government, except as it might influence the ratification of the Constitution by his own state

Whether subject to its control or not, depended wholly on the act of the state. His dissent had not the least weight against the assent of his state, nor his assent against its dissent. It follows, as a necessary consequence, that the act of ratification bound the state as a community, as is expressly declared in the article of the Constitution above quoted, and not the citizens of the state as individuals: the latter being bound through their state, and in consequence of the ratification of the former. Another, and a highly important consequence, as it regards the subject under investigation, follows with equal certainty: that, on a question whether a particular power exercised by the General Government be granted by the Constitution, it belongs to the state as a member of the Union, in her sovereign capacity in convention, to determine definitively, as far as her citizens are concerned, the extent of the obligation which she contracted; and if, in her opinion, the act exercising the power be unconstitutional, to declare it null and void, *which declaration would be obligatory on her citizens.* In coming to this conclusion, it may be proper to remark, to prevent misrepresentation, that I do not claim for a state the right to abrogate an act of the General Government. It is the Constitution that annuls an unconstitutional act. Such an act is of itself void and of no effect. What I claim is the right of the state, *as far as its citizens are concerned, to declare the extent of the obligation, and that such declaration is binding on them*—a right, when limited to its citizens, flowing directly from the relation of the state to the General Government on the one side, and its citizens on the other, as already explained, and resting on the most plain and solid reasons.

Passing over, what of itself might be considered conclusive, the obvious principle, that it belongs to the authority which imposed the obligation to declare its extent, as far as those are concerned on whom the obligation is placed, I shall present a single argument, which of itself is decisive. I have already shown that there is no immediate connection between the citizens of a state and the General Government, and that the relation between them is through the state. I have also shown that, whatever obligations were imposed on the citizens, were imposed by the act of the state ratifying the Constitution. A similar act by the same authority, made with equal solemnity, declaring the extent of the obligation, must, as far as they are concerned, be of equal authority. I speak, of course, on the supposition that the right has not been transferred, as it will hereafter be shown that it has not. A citizen would have no more right to question the one than he would have

the other declaration. They rest on the same authority: and as he was bound by the declaration of his state assenting to the Constitution, whether he assented or dissented, so would he be equally bound by a declaration declaring the extent of that assent, whether opposed to, or in favor of, such declaration. In this conclusion I am supported by analogy. The case of a treaty between sovereigns is strictly analogous. There, as in this case, the state contracts for the citizen or subject; there, as in this, the obligation is imposed by the state, and is independent of his will; and there, as in this, the declaration of the state, determining the extent of the obligation contracted, *is obligatory on him*, as much so as the treaty itself.

Having now, I trust, established the very important point that the declaration of a state, as to the extent of the power granted, is obligatory on its citizens, I shall next proceed to consider the effects of such declarations in reference to the General Government; a question which necessarily involves the consideration of the relation between it and the states. It has been shown that the people of the states, acting as distinct and independent communities, are the authors of the Constitution, and that the General Government was organized and ordained by them to execute its powers. The government, then, with all its departments, is, in fact, the agent of the states, constituted to execute their joint will, as expressed in the Constitution.

In using the term agent, I do not intend to derogate in any degree from its character as a government. It is as truly and properly a government as are the state governments themselves. I have applied it simply because it strictly belongs to the relation between the General Government and the states, as, in fact, it does also to that between a state and its own government. Indeed, according to our theory, governments are in their nature but trusts, and those appointed to administer them trustees or agents to execute the trust powers. The sovereignty resides elsewhere—in the people, not in the government; and with us, *the people* mean *the people of the several states* originally formed into thirteen distinct and independent communities, and now into twenty-four. Politically speaking, in reference to our own system, there are *no other people*. The General Government, as well as those of the states, is but the organ of their power: the latter, that of their respective states, through which are exercised separately that portion of power not delegated by the Constitution, and in the exercise of which each state has a local and peculiar interest; the former, the joint organ

of all the states confederated into one general community, and through which they jointly and concurringly exercise the delegated powers, in which all have a common interest. Thus viewed, the Constitution of the United States, with the government it created, is truly and strictly the Constitution of each state, as much so as its own particular Constitution and government, ratified by the same authority, in the same mode, and having, as far as its citizens are concerned, its powers and obligations from the same source, differing only in the aspect, under which I am considering the subject, in the *plighted faith* of the state to its co-states, and of which, as far as its citizens are considered, the state, in the last resort, is the exclusive judge.

Such, then, is the relation between the state and General Government, in whatever light we may consider the Constitution, whether as a compact between the states, or of the nature of the legislative enactment by the joint and concurring authority of the states in their high sovereignty. In whatever light it may be viewed, I hold it as necessarily resulting, that, in the case of a power disputed between them, the government, as the agent, has no right to enforce its construction against the construction of the state as one of the sovereign parties to the Constitution, any more than the state government would have against the people of the state in their sovereign capacity, the relation being the same between them. That such would be the case between agent and principal in the ordinary transactions of life, no one will doubt, nor will it be possible to assign a reason why it is not as applicable to the case of government as to that of individuals. The principle, in fact, springs from the *relation itself*, and *is applicable to it in all its forms and characters.* It may, however, be proper to notice a distinction between the case of a single principal and his agent, and that of several principals and their joint agent, which might otherwise cause some confusion. In both cases, as between the agent and a principal, the construction of the principal, whether he be a single principal or one of several, is equally conclusive; but, in the latter case, both the principal and the agent bear relation to the other principals, which must be taken into the estimate, in order to understand fully all the results which may grow out of the contest for power between them. Though the construction of the principal is conclusive against the joint agent, as between them, such is not the case between him and his associates. They both have an equal right of construction, and it would be the duty of the agent to bring the subject before the principal to be

adjusted, according to the terms of the instrument of association, and of the principal to submit to such adjustment. In such cases the contract itself is the law, which must determine the relative rights and powers of the parties to it. The General Government is a case of joint agency—the joint agent of the twenty-four sovereign states. It would be its duty, according to the principles established in such cases, instead of attempting to enforce its construction of its powers against that of the states, to bring the subject before the states themselves, in the only form which, according to the provision of the Constitution, it can be—by a proposition to amend, in the manner prescribed in the instrument, to be acted on by them in the only mode they can, by expressly granting or withholding the contested power. Against this conclusion there can be raised but one objection,—that the states have surrendered or transferred the right in question. If such be the fact, there ought to be no difficulty in establishing it. The grant of the powers delegated is contained in a written instrument, drawn up with great care, and adopted with the utmost deliberation. It provides that the powers not granted are reserved to the states and the people. If it be surrendered, let the grant be shown, and the controversy will be terminated; and, surely, it ought to be shown, plainly and clearly shown, before the states are asked to admit what, if true, would not only divest them of a right which, under all its forms, belongs to the principal over his agent, unless surrendered, but which cannot be surrendered without in effect, and for all practical purposes, reversing the relation between them; putting the agent in the place of the principal, and the principal in that of the agent; and which would degrade the states from the high and sovereign condition which they have ever held, under every form of their existence, to be mere subordinate and dependent corporations of the government of its own creation. But, instead of showing any such grant, not a provision can be found in the Constitution *authorizing the General Government to exercise any control whatever over a state* by force, by veto, by judicial process, or in any other form—*a most important omission, designed, and not accidental*, and, as will be shown in the course of these remarks, omitted by the dictates of the profoundest wisdom.

The journal and proceedings of the Convention which formed the Constitution afford abundant proof that there was in the body a powerful party, distinguished for talents and influence, intent on obtaining, for the General Government, a grant of the very power in question,

and that they attempted to effect this object in all possible ways, but fortunately, without success. The first project of a Constitution submitted to the Convention (Governor Randolph's) embraced a proposition to grant power "to negative all laws contrary, in the opinion of the National Legislature, to the articles of the Union, or any treaty subsisting under the authority of the Union; and to call forth the force of the Union against any member of the Union failing to fulfil his duty under the articles thereof." The next project submitted (Charles Pinckney's) contained a similar provision. It proposed, "that the Legislature of the United States should have the power to revise the laws of the several states that may be supposed to infringe the powers exclusively delegated by this Constitution to Congress, and to negative and annul such as do." The next was submitted by Mr. Patterson, of New Jersey, which provided, "if any state, or body of men in any state, shall oppose or prevent the carrying into execution such acts or treaties" (of the Union), "the federal executive shall be authorized to call forth the powers of the confederated states, or so much thereof as shall be necessary to enforce, or compel the obedience to such acts, or observance of such treaties." General Hamilton's next succeeded, which declared "all laws of the particular states contrary to the Constitution or laws of the United States, to be utterly void; and, the better to prevent such laws being passed, the governor or president of each state shall be appointed by the General Government, and shall have a negative on the laws about to be passed in the state of which he is governor or president."

At a subsequent period, a proposition was moved and referred to a committee to provide that "the jurisdiction of the Supreme Court shall extend to all controversies between the United States and any individual state;" and, at a still later period, it was moved to grant power "to negative all laws passed by the several states interfering, in the opinion of the Legislature, with the general harmony and interest of the Union, provided that two thirds of the members of each house assent to the same," which, after an ineffectual attempt to commit, was withdrawn.

I do not deem it necessary to trace through the journals of the Convention the fate of these various propositions. It is sufficient that they were moved and failed, to prove conclusively, in a manner never to be reversed, that the Convention which framed the Constitution was opposed to granting the power to the General Government in any form,

through any of its departments, legislative, executive, or judicial, to coerce or control a state, though proposed in all conceivable modes, and sustained by the most talented and influential members of the body This, one would suppose, ought to settle forever the question of the surrender or transfer of the power under consideration; and such, in fact, would be the case, were the opinion of a large portion of the community not biased, as, in fact, it is, by interest. A majority have almost always a direct interest in enlarging the power of the government, and the interested adhere to power with a pertinacity which bids defiance to truth, though sustained by evidence as conclusive as mathematical demonstration; and, accordingly, the advocates of the powers of the General Government, notwithstanding the impregnable strength of the proof to the contrary, have boldly claimed, on construction, a power, the grant of which was so perseveringly sought and so sternly resisted by the Convention. They rest the claim on the provisions in the Constitution which declare "that this Constitution, and the laws made in pursuance thereof, shall be the supreme law of the land," and that "the judicial power shall extend to all cases in law and equity arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority."

I do not propose to go into a minute examination of these provisions. They have been so frequently and so ably investigated, and it has been so clearly shown that they do not warrant the assumption of the power claimed for the government, that I do not deem it necessary. I shall, therefore, confine myself to a few detached remarks.

I have already stated that a distinct proposition was made to confer the very power in controversy on the Supreme Court, which failed; which of itself ought to overrule the assumption of the power by construction, unless sustained by the most conclusive arguments; but when it is added that this proposition was moved (20th August) subsequent to the period of adopting the provisions, above cited, vesting the court with its present powers (18th July), and that an effort was made, at a still later period (23d August), to invest Congress with a negative on all state laws which, in its opinion, might interfere with the general interest and harmony of the Union, the argument would seem too conclusive against the powers of the court to be overruled by construction however strong.

Passing by, however, this, and also the objection that the terms *cases in law and equity* are technical, embracing only questions between

parties *amenable* to the process of the court, and, of course, excluding questions between the states and the General Government—an argument which has never been answered—there remains another objection perfectly conclusive.

The construction which would confer on the Supreme Court the power in question, rests on the ground that the Constitution has conferred on that tribunal the high and important right of deciding on the *constitutionality of laws.* That it possesses this power I do not deny, but I do utterly deny that it is conferred by the Constitution, either by the provisions above cited, or any other. It is a power derived from the necessity of the case ; and, so far from being possessed by the Supreme Court exclusively or peculiarly, it not only belongs to every court of the country, high or low, civil or criminal, but to all foreign courts, before which a case may be brought involving the construction of a law which may conflict with the provisions of the Constitution. The reason is plain. Where there are two sets of rules prescribed in reference to the same subject, one by a higher and the other by an inferior authority, the judicial tribunal called in to decide on the case must unavoidably determine, should they conflict, which is the law ; and that necessity compels it to decide that the rule prescribed by the inferior power, if in its opinion inconsistent with that of the higher, is void, be it a conflict between the Constitution and a law, or between a charter and the by-laws of a corporation, or any other higher and inferior authority. The principle and source of authority are the same in all such cases. Being derived from necessity, it is restricted within its limits, and cannot pass an inch beyond the narrow confines of deciding in a case before the court, and, of course, between parties amenable to its process, excluding thereby political questions, which of the two is, in reality, the law, the act of Congress or the Constitution, when on their face they are inconsistent ; and yet, from this resulting limited power, derived from necessity, and held in common with every court in the world which, by possibility, may take cognizance of a case involving the interpretation of our Constitution and laws, it is attempted to confer on the Supreme Court a power which would work a thorough and radical change in our system, and which, moreover, was positively refused by the Convention.

The opinion that the General Government has the right to enforce its construction of its powers against a state, in any mode whatever, is, in truth, founded on a fundamental misconception of our system. At the

bottom of this, and, in fact, almost every other misconception as to the relation between the states and the General Government, lurks the radical error, that the latter is a national, and not, as in reality it is, a confederated government; and that it derives its powers from a higher source than the states. There are thousands influenced by these impressions without being conscious of it, and who, while they believe themselves to be opposed to consolidation, have infused into their conception of our Constitution almost all the ingredients which inter into that form of government. The striking difference between the present government and that under the old confederation (I speak of governments as distinct from constitutions) has mainly contributed to this dangerous impression. But, however dissimilar their governments, the present *Constitution is as far removed from consolidation, and is as strictly and as purely a confederation, as the one which it superseded.*

Like the old confederation, it was formed and ratified by state authority. The only difference in this particular is, that one was ratified by the people of the states, and the other by the state governments; one forming strictly a union of the state governments, the other of the states themselves; one, of the agents exercising the powers of sovereignty, and the other of the sovereigns themselves; but both were unions of political bodies, as distinct from a union of the people individually. They are, indeed, *both confederations*, but the present in a higher and purer sense than that which it succeeded, just as the act of a sovereign is higher and more perfect than that of his agent; and it was, doubtless, in reference to this difference that the preamble of the Constitution, and the address of the Convention laying the Constitution before Congress, speak of consolidating and perfecting the Union; yet this difference, which, while it elevated the General Government in relation to the state governments, placed it more immediately in the relation of the *creature and agent* of the states themselves, by a natural misconception, has been the principal cause of the impression so prevalent of the inferiority of the states to the General Government, and of the consequent right of the latter to coerce the former. Raised from below to the same level with the state governments, it was conceived to be placed above the states themselves.

I have now, I trust, conclusively shown that a state has a right, in her sovereign capacity, in convention, to declare an unconstitutional act of Congress to be null and void, and that such declarations would be obligatory on her citizens, as highly so as the Constitution itself, and

conclusive against the General Government, which would have no right to enforce its construction of its powers against that of the state.

I next propose to consider the practical effect of the exercise of this high and important right—which, as the great conservative principle of our system, is known under the various names of nullification, interposition, and state veto—in reference to its operation viewed under different aspects: nullification, as declaring null an unconstitutional act of the General Government, as far as the state is concerned; interposition, as throwing the shield of protection between the citizens of a state and the encroachments of the Government; and veto, as arresting or inhibiting its unauthorized acts within the limits of the state.

The practical effect, if the right was fully recognized, would be plain and simple, and has already, in a great measure, been anticipated. If the state has a right, there must, of necessity, be a corresponding obligation on the part of the General Government to acquiesce in its exercise; and, of course, it would be its duty to abandon the power, at least as far as the state is concerned, to compromise the difficulty, or apply to the states themselves, according to the form prescribed in the Constitution, to obtain the power by a grant. If granted, acquiescence, then, would be a duty on the part of the state; and, in that event, the contest would terminate in converting a doubtful constructive power into one positively granted; but, should it not be granted, no alternative would remain for the General Government but a compromise or its permanent abandonment. In either event, the controversy would be closed and the Constitution fixed: a result of the utmost importance to the steady operation of the government and the stability of the system, and which can never be attained, under its present operation, without the recognition of the right, as experience has shown.

From the adoption of the Constitution, we have had but one continued agitation of constitutional questions embracing some of the most important powers exercised by the government; and yet, in spite of all the ability and force of argument displayed in the various discussions, backed by the high authority claimed for the Supreme Court to adjust such controversies, not a single constitutional question, of a political character, which has ever been agitated during this long period, has been settled in the public opinion, except that of the unconstitutionality of the Alien and Sedition Law; and, what is remarkable, that was settled *against the decision of the Supreme Court.* The tend-

ency is to increase, and not diminish, this conflict for power. New questions are yearly added without diminishing the old; while the contest becomes more obstinate as the list increases, and, what is highly ominous, more sectional. It is impossible that the government can last under this increasing diversity of opinion, and growing uncertainty as to its power in relation to the most important subjects of legislation; and equally so, that this dangerous state can terminate without a power somewhere to compel, in effect, the government to abandon doubtful constructive powers, or to convert them into positive grants by an amendment of the Constitution; in a word, to substitute the positive grants of the parties themselves for the constructive powers interpolated by the agents. Nothing short of this, in a system constructed as ours is, with a double set of agents, one for local and the other for general purposes, can ever terminate the conflict for power, or give uniformity and stability to its action.

Such would be the practical and happy operation were *the right recognized;* but the case is far otherwise; and as the right is not only denied, but violently opposed, the General Government, so far from acquiescing in its exercise, and abandoning the power, as it ought, may endeavor, by all the means within its command, to enforce its construction against that of the state. It is under this aspect of the question that I now propose to consider the practical effect of the exercise of the right, with the view to determine which of the two, the state or the General Government, must prevail in the conflict; which compels me to revert to some of the grounds already established.

I have already shown that the declaration of nullification would be obligatory on the citizens of the state, as much so, in fact, as its declaration ratifying the Constitution, resting, as it does, on the same basis. It would *to them* be the highest possible evidence that the power contested was not granted, and, of course, that the act of the Genera' Government was unconstitutional. They would be bound, in all the relations of life, private and political, to respect and obey it; and, when called upon as jurymen, to render their verdict accordingly, or, as judges, to pronounce judgment in conformity to it. The right of jury trial is secured by the Constitution (thanks to the jealous spirit of liberty, doubly secured and fortified); and, with this inestimable right —inestimable, not only as an essential portion of the judicial tribunals of the country, but infinitely more so, considered as a popular, and still more, a local representation, in that department of the government

which, without it, would be the farthest removed from the control of the people, and a fit instrument to sap the foundation of the system—with, I repeat, this inestimable right, it would be impossible for the General Government, within the limits of the state, to execute, *legally*, the act nullified, or any other passed with a view to enforce it; while, on the other hand, the state would be able to enforce, *legally and peaceably*, its declaration of nullification. Sustained by its court and juries, it would calmly and quietly, but successfully, meet every effort of the General Government to enforce its claim of power. The result would be inevitable. Before the judicial tribunal of the country, the state must prevail, unless, indeed, jury trial could be eluded by the refinement of the court, or by some other device; which, however, guarded as it is by the ramparts of the Constitution, would, I hold, be impossible. The attempt to elude, should it be made, would itself be unconstitutional; and, in turn, would be annulled by the sovereign voice of the state. Nor would the right of appeal to the Supreme Court, under the judiciary act, avail the General Government. If taken, it would but end in a new trial, and that in another verdict against the government; but whether it may be taken, would be optional with the state. The court itself has decided that a copy of the record is requisite to review a judgment of a state court, and, if necessary, the state would take the precaution to prevent, by proper enactments, any means of obtaining a copy. But if obtained, what would it avail against the execution of the penal enactments of the state, intended to enforce the declaration of nullification? The judgment of the state court would be pronounced and executed before the possibility of a reversal, and executed, too, without responsibility incurred by any one.

Beaten before the courts, the General Government would be compelled to abandon its unconstitutional pretensions, or resort to force: a resort, the difficulty (I was about to say, the impossibility) of which would very soon fully manifest itself, should folly or madness ever make the attempt.

In considering this aspect of the controversy, I pass over the fact that the General Government has no right to resort to force against a state—to coerce a sovereign member of the Union—which, I trust, I have established beyond all possible doubt. Let it, however, be determined to use force, and the difficulty would be insurmountable, unless, indeed, it be also determined to set aside the Constitution, and to subvert the system to its foundations.

Against whom would it be applied? Congress has, it is true, the right to call forth the militia "to execute the laws and suppress insurrection;" but there would be no law resisted, unless, indeed, it be called resistance for the juries to refuse to find, and the courts to render judgment, in conformity to the wishes of the General Government; no insurrection to suppress; no armed force to reduce; not a sword unsheathed; not a bayonet raised; none, absolutely none, on whom force could be used, except it be on the unarmed citizens engaged peaceably and quietly in their daily occupations.

No one would be guilty of treason ("levying war against the United States, adhering to their enemies, giving them aid and comfort"), or any other crime made penal by the Constitution or the laws of the United States.

To suppose that force could be called in, implies, indeed, a great mistake, both as to the nature of our government and that of the controversy. It would be a legal and constitutional contest—a conflict of moral, and not physical force—a trial of constitutional, not military power, to be decided before the judicial tribunals of the country, and not on the field of battle. In such contest, there would be no object for force, but those peaceful tribunals—nothing on which it could be employed, but in putting down courts and juries, and preventing the execution of judicial process. Leave these untouched, and all the militia that could be called forth, backed by a regular force of ten times the number of our small, but gallant and patriotic army, could have not the slightest effect on the result of the controversy; but subvert these by an armed body, and you subvert the very foundation of this our free, constitutional, and legal system of government, and rear in its place a military despotism.

Feeling the force of these difficulties, it is proposed, with the view, I suppose, of disembarrassing the operation, as much as possible, of the troublesome interference of courts and juries, to change the scene of coercion from land to water; as if the government could have one particle more right to coerce a state by water than by land; but, unless I am greatly deceived, the difficulty on that element will not be much less than on the other. The jury trial, at least the local jury trial (the trial by the vicinage), may, indeed, be evaded there, but in its place other, and not much less formidable, obstacles must be encountered.

There can be but two modes of coercion resorted to by water—

blockade and abolition of the ports of entry of the state, accompanied by penal enactments, authorizing seizures for entering the waters of the state. If the former be attempted, there will be other parties besides the General Government and the state. Blockade is a belligerent right: it presupposes a state of war, and, unless there be war (war in due form, as prescribed by the Constitution), the order for blockade would not be respected by other nations or their subjects. Their vessels would proceed directly for the blockaded port, with certain prospects of gain; if seized under the order of blockade, through the claim of indemnity against the General Government; and, if not, by a profitable market, without the exaction of duties.

The other mode, the abolition of the ports of entry of the state, would also have its difficulties. The Constitution provides that "no preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another; nor shall vessels bound to or from one state be obliged to enter, clear, or pay duties in another:" provisions too clear to be eluded even by the force of construction. There will be another difficulty. If seizures be made in port, or within the distance assigned by the laws of nations as the limits of a state, the trial must be in the state, with all the embarrassments of its courts and juries; while beyond the ports and the distance to which I have referred, it would be difficult to point out any principle by which a foreign vessel, at least, could be seized, except as an incident to the right of blockade, and, of course, with all the difficulties belonging to that mode of coercion.

But there yet remains another, and, I doubt not, insuperable barrier, to be found in the judicial tribunals of the Union, against all the schemes of introducing force, whether by land or water. Though I cannot concur in the opinion of those who regard the Supreme Court as the mediator appointed by the Constitution between the states and the General Government; and though I cannot doubt there is a natural bias on its part towards the powers of the latter, yet I must greatly lower my opinion of that high and important tribunal for intelligence, justice, and attachment to the Constitution, and particularly of that pure and upright magistrate who has so long, and with such distinguished honor to himself and the Union, presided over its deliberations, with all the weight that belongs to an intellect of the first order, united with the most spotless integrity, to believe, for a moment, that an attempt so plainly and manifestly unconstitutional as a resort to force would be in

such a contest, could be sustained by the sanction of its authority. In whatever form force may be used, it must present questions for legal adjudication. If in the shape of blockade, the vessels seized under it must be condemned, and thus would be presented the question of prize or no prize, and, with it, the legality of the blockade; if in that of a repeal of the acts establishing ports of entries in the state, the legality of the seizure must be determined, and that would bring up the question of the constitutionality of giving a preference to the ports of one state over those of another; and so, if we pass from water to land, we will find every attempt there to substitute force for law must, in like manner, come under the review of the courts of the Union; and the unconstitutionality would be so glaring, that the executive and legislative departments, in their attempt to coerce, should either make an attempt so lawless and desperate, would be without the support of the judicial department. I will not pursue the question farther, as I hold it perfectly clear that, so long as a state retains its federal relations; so long, in a word, as it continues a member of the Union, the contest between it and the General Government must be before the courts and juries; and every attempt, in whatever form, whether by land or water, to substitute force as the arbiter in their place, must fail. The unconstitutionality of the attempt would be so open and palpable, that it would be impossible to sustain it.

There is, indeed, one view, and one only, of the contest in which force could be employed; but that view, as between the parties, would supersede the Constitution itself: that nullification is secession, and would, consequently, place the state, as to the others, in the relation of a foreign state. Such, clearly, would be the effect of secession; but it is equally clear that it would place the state beyond the pale of all her federal relations, and, thereby, all control on the part of the other states over her. She would stand to them simply in the relation of a foreign state, divested of all federal connection, and having none other between them but those belonging to the laws of nations. Standing thus towards one another, force might, indeed, be employed against a state, but it must be a belligerent force, preceded by a declaration of war, and carried on with all its formalities. Such would be the certain effect of secession; and if nullification be secession—if it be but a different name for the same thing—such, too, must be its effect; which presents the highly important question, Are they, in fact, the same? on the decision of which depends the question whether it be a *peaceable* and *constitu-*

tional remedy, that may be exercised without *terminating* the *federal* relations of the state *or not.*

I am aware that there is a considerable and respectable portion of our state, with a very large portion of the Union, constituting, in fact, a great majority, who are of the opinion that they are the same thing, differing only in name, and who, under that impression, denounce it as the most dangerous of all doctrines; and yet, so far from being the same, they are, unless, indeed, I am greatly deceived, not only perfectly distinguishable, but totally dissimilar in their nature, their object, and effect; and that, so far from deserving the denunciation, so properly belonging to the act with which it is confounded, it is, in truth, the highest and most precious of all the rights of the states, and essential to preserve that very Union, for the supposed effect of destroying which it is so bitterly anathematized.

I shall now proceed to make good my assertion of their *total dissimilarity.*

First, they are wholly dissimilar in their nature. *One has reference to the parties themselves, and the other to their agents.* Secession is a *withdrawal from the Union:* a separation from *partners*, and, as far as depends on the member withdrawing, a *dissolution* of the partnership. It presupposes an association: a union of several states or individuals for a common object. Wherever these exist, secession may; and where they do not, it cannot. Nullification, on the contrary, *presupposes the relation of principal and agent:* the one granting a power to be executed, the other, appointed by him with authority to execute it; *and is simply a declaration on the part of the principal, made in due form, that an act of the agent transcending his power is null and void.* It is a right belonging exclusively to the relation between principal and agent, to be found *wherever it exists, and in all its forms*, between several, or an association of principals, and their joint agents, as well as between a single principal and his agent.

The difference in their object is no less striking than in their nature. The object of secession is to *free* the withdrawing member from the *obligation* of the association or union, and is applicable to cases where the object of the association or union *has failed*, either by an abuse of power on the part of *its members*, or other causes. Its *direct and immediate object, as it concerns the withdrawing member, is the dissolution of the association or union*, as far as it is concerned. On the contrary, the object of nullification is to confine the agent within the limits of his

powers, by arresting his acts transcending them, *not with the view of destroying the delegated or trust power, but to preserve it, by compelling the agent to fulfil the object for which the agency or trust was created; and is applicable only to cases where the trust or delegated powers are transcended on the part of the agent.* Without the power of secession, an association or union, formed for the common good *of all* the members, might prove ruinous to some, by the abuse of power on the part of the others; and without nullification the agent might, under color of construction, assume a power never intended to be delegated, or to convert those delegated to objects never intended to be comprehended in the trust, to the ruin of the principal, or, in case of a joint agency, to the ruin of some of the principals. Each has, thus, its appropriate object, but objects in their nature very dissimilar; so much so, that, in case of an association or union, where the powers are delegated to be executed by an agent, the abuse of power, on the part of the *agent*, to the injury of one or more of the members, would not justify secession on their part. The rightful remedy in that case would be nullification. There would be neither right nor pretext to secede: not right, because secession is applicable only to the acts of the members of the association or union, and not to the act of the agent; nor pretext, because there is another, and equally efficient remedy, short of the dissolution of the association or union, which can only be justified by necessity. Nullification may, indeed, be succeeded by secession. In the case stated, should the other members undertake to grant the power nullified, and should the nature of the power be such as to *defeat the object of the association or union*, at least as far as the member nullifying is concerned, it would then become an abuse of power on the part of the principals, and thus present a case where secession would apply; but in no other could it be justified, except it be for a failure of the association or union to effect the object for which it was created, independent of any abuse of power.

It now remains to show that their effect is as dissimilar as their nature or object.

Nullification leaves the members of the association or union in the condition it found them—subject to all its burdens, and entitled to all its advantages, comprehending the member nullifying as well as the others—its object being, not to destroy, but to preserve, as has been stated. It simply arrests the act of the agent, as far as the principal is concerned, leaving in every other respect the operation of the joint

concern as before; secession, on the contrary, destroys, as far as the withdrawing member is concerned, the association or union, and restores him to the relation he occupied towards the other members before the existence of the association or union. He loses the benefit, but is released from the burden and control, and can no longer be dealt with, by his former associates, as one of its members.

Such are clearly the differences between them — differences so marked, that, instead of being identical, as supposed, they form a contrast in all the aspects in which they can be regarded. The application of these remarks to the political association or Union of these twenty-four states and the General Government, their joint agent, is too obvious, after what has been already said, to require any additional illustration, and I will dismiss this part of the subject with a single additional remark.

There are many who acknowledge the right of a state to secede, but deny its right to nullify; and yet, it seems impossible to admit the one without admitting the other. They both presuppose the same structure of the government, that it is a Union of the states, as forming political communities, the same right on the part of the states, as members of the Union, to determine for their citizens the extent of the powers delegated and those reserved, and, of course, to decide whether the Constitution has or has not been violated. The simple difference, then, between those who admit secession and deny nullification, and those who admit both, is, that one acknowledges that the declaration of a state pronouncing that the Constitution has been violated, and is, therefore, null and void, would be obligatory on her citizens, and would arrest all the acts of the government within the limits of the state; while they deny that a similar declaration, made by the same authority, and in the same manner, that an act of the government has transcended its powers, and that it is, therefore, null and void, would have any obligation; while the other acknowledges the obligation in both cases. The one admits that the declaration of a state assenting to the Constitution bound her citizens, and that her declaration can unbind them; but denies that a similar declaration, as to the extent she has, in fact, bound them, has any obligatory force on them; while the other gives equal force to the declaration in the several cases. The one denies the obligation, where the object is to *preserve the Union in the only way it can be*, by confining the government, formed to execute the trust powers, strictly within their limits, and to the objects for which

they were delegated, though they give *full* force where the object is *to destroy the Union itself;* while the other, in giving equal weight to both, *prefers the one because it preserves* and *rejects the other because it destroys;* and yet the former is *the Union*, and the latter the *disunion party!* And all this strange distinction originates, as far as I can judge, in attributing to nullification what belongs exclusively to secession. The difficulty as to the former, it seems, is, that a state cannot be in and out of the Union at the same time.

This is, indeed, true, if applied to secession—the throwing off *the authority of the Union itself.* To nullify the Constitution, if I may be pardoned the solecism, would, indeed, be tantamount to disunion; and, as applied to such an act, it would be true that a state could not be in and out of the Union at the same time; but the act would be secession.

But to apply it to nullification, properly understood, the object of which, instead of resisting or diminishing the powers of the Union, is to preserve them as they are, neither increased nor diminished, and thereby the Union itself (for the Union may be as effectually destroyed by increasing as by diminishing its powers—by consolidation, as by disunion itself), would be, I would say, had I not great respect for many who do thus apply it, egregious trifling with a grave and deeply-important constitutional subject.

I might here finish the task which your request imposed, having, I trust, demonstrated, beyond the power of refutation, that a state has the right to defend her reserved powers against the encroachments of the General Government; and I may add that the right is, in its nature, peaceable, consistent with the federal relations of the state, and perfectly efficient, whether contested before the courts, or attempted to be resisted by force. But there is another aspect of the subject not yet touched, without adverting to which, it is impossible to understand the full effects of nullification, or the real character of our political institutions: I allude to the power which the states, as a confederated body, have acquired directly over each other, and on which I will now proceed to make some remarks, though, I fear, at the hazard of fatiguing you.

Previous to the adoption of the present Constitution, no power could be exercised over any state by any other, or all of the states, without its own consent; and we, accordingly, find that the old confederation and the present Constitution were both submitted for ratification to

each of the states, and that each ratified for itself, and was bound only in consequence of its own particular ratification, as has been already stated. The present Constitution has made, in this particular, a most important modification in their condition. I allude to the provision which gives validity to amendments of the Constitution when ratified by three fourths of the states—a provision which has not attracted as much attention as its importance deserves. Without it, no change could have been made in the Constitution, unless with the unanimous consent of all the states, in like manner as it was adopted. This provision, then, contains a highly-important concession by each to all of the states, of a portion of the original and inherent right of self-government, possessed previously by each separately, in favor of their general confederated powers, giving thereby increased energy to the states in their united capacity, and weakening them in the same degree in their separate. Its object was to facilitate and strengthen the action of the amending, or (to speak a little more appropriately, as it regards the point under consideration) *the repairing power*. It was foreseen that experience would, probably, disclose errors in the Constitution itself; that time would make great changes in the condition of the country, which would require corresponding changes in the Constitution; that the irregular and conflicting movements of the bodies composing so complex a system might cause derangements requiring correction; and that, to require the unanimous consent of all the states to meet these various contingencies, would be placing the whole too much under the control of the parts: to remedy which, this great additional power was given to the amending or repairing power—this *vis medicatrix* of the system.

To understand correctly the nature of this concession, we must not confound it with the delegated powers conferred on the General Government, and to be exercised by it as the joint agent of the states. They are essentially different. The former is, in fact, but a modification of the original sovereign power residing in the people of the several states—of *the creating or Constitution-making power itself, intended, as stated, to facilitate and strengthen its action, and not change its character. Though modified, it is not delegated. It still resides in the states, and is still to be exercised by them, and not by the government.*

I propose next to consider this important modification of the sovereign powers of the states, in connection with the right of nullification.

It is acknowledged on all sides that the duration and stability of our

system depend on maintaining *the equilibrium* between the states and the General Government—the reserved and delegated powers. We know that the Convention which formed the Constitution, and the various state conventions which adopted it, as far as we are informed of their proceedings, felt the deepest solicitude on this point. They saw and felt there would be an incessant conflict between them, which would menace the existence of the system itself, unless properly guarded. The contest between the states and General Government—the reserved and delegated rights—will, in truth, be a conflict between the great predominant interests of the Union on one side, controlling and directing the movements of the government, and seeking to enlarge the delegated powers, and thereby advance their power and prosperity; and, on the other, the minor interests rallying on the reserved powers, as the only means of protecting themselves against the encroachments and oppression of the other. In such a contest, without the most effectual check, the stronger will absorb the weaker interests; while, on the other hand, without an adequate provision of some description or other, the efforts of the weaker to guard against the encroachments and oppression of the stronger might permanently derange the system.

On the side of the reserved powers, no check more effectual can be found or desired than nullification, or the right of arresting, within the limits of a state, the exercise, by the General Government, of any powers but the delegated—a right which, if the states be true to themselves and faithful to the Constitution, will ever prove, on the side of the reserved powers, an effectual protection to both.

Nor is the check on the side of the delegated less perfect. Though less strong, it is ample to guard against encroachments; and is as strong as the nature of the system would bear, as will appear in the sequel. It is to be found in the amending power. Without the modification which it contains of the rights of self-government on the part of the states, as already explained, the consent of each state would have been requisite to any additional grant of power, or other amendment of the Constitution. While, then, nullification would enable a state to arrest the exercise of a power not delegated, the right of self-government, if unmodified, would enable her to prevent the grant of a power not delegated; and thus her conception of what power ought to be granted would be as conclusive against the co-states, as her construction of the powers granted is against the General Government. In that case, the danger would be on the side of the states or reserved powers. The

amending power, *in effect*, prevents this danger. In virtue of the provisions which it contains, the resistance of a state to a power cannot finally prevail, unless she be sustained by one fourth of the co-states; and in the same degree that her resistance is weakened, the power of the General Government, or the side of the delegated powers, is *strengthened*. It is true that the right of a state to arrest an unconstitutional act is of itself complete against the government; but it is equally so that the controversy may, *in effect*, be terminated against her by a grant of the contested powers by three fourths of the states. It is thus by this simple, and, apparently, incidental contrivance, that the right of a state to nullify an unconstitutional act, so essential to the protection of the reserved rights, but which, unchecked, might too much debilitate the government, is counterpoised: not by weakening the energy of a state in her direct resistance to the encroachment of the government, or by giving to the latter a direct control over the states, as proposed in the Convention, but in a manner infinitely more safe, and, if I may be permitted so to express myself, scientific, by strengthening the amending or repairing power—the power of correcting all abuses or derangements, by whatever cause, or from whatever quarter.

To sum all in a few words. The General Government has the right, in the first instance, of construing its own powers, which, if final and conclusive, as is supposed by many, would have placed the reserved powers at the mercy of the delegated, and thus destroy the equilibrium of the system. Against that, a state has the right of nullification. This right, on the part of the state, if not counterpoised, might tend too strongly to weaken the General Government and derange the system. To correct this, the amending or repairing power is strengthened. The former cannot be made too strong if the latter be proportionably so. The increase of the latter is, in effect, the decrease of the former. Give to a majority of the states the right of amendment, and the arresting power, on the part of the state, would, in fact, be annulled. The amending power and the powers of the government would, in that case, be, in reality, in the same hands. The same majority that controlled the one would the other, and the power arrested, as not granted, would be immediately restored in the shape of a grant. This modification of the right of self-government, on the part of the states, is, in fact, the pivot of the system. By shifting its position as the preponderance is on the one side or the other, or, to drop the simile, by increasing or diminishing the energy of the repairing power, effected by diminishing

or increasing the number of states necessary to amend the Constitution, the equilibrium between the reserved and the delegated rights may be preserved or destroyed at pleasure.

I am aware it is objected that, according to this view, one fourth of the states may, in reality, change the Constitution, and thus take away powers which have been unanimously granted by all the states. The objection is more specious than solid. The *right* of a state is not *to resume* delegated powers, but *to prevent* the reserved from being *assumed* by the government. It is, however, certain the right may be abused, and, thereby, powers be resumed which were, in fact, delegated; and it is also true, if sustained by one fourth of the co-states, such resumption may be successfully and permanently made by the state. This is the danger, and the utmost extent of the danger from the side of the reserved powers. It would, I acknowledge, be desirable to avoid or lessen it; but neither can be effected without increasing a greater and opposing danger.

If the right be denied to the state to defend her reserved powers, for fear she might resume the delegated, that denial would, in effect, yield to the General Government the power, under the color of construction, to assume at pleasure all the reserved powers. It is, in fact, a question between the danger of the states resuming the delegated powers on one side, and the General Government assuming the reserved on the other. Passing over the far greater probability of the latter than the former, which I endeavored to illustrate in the address of last summer, I shall confine my remarks to the striking difference between them, viewed in connection with the genius and theory of our government.

The right of a state originally to complete self-government is a fundamental principle in our system, in virtue of which *the grant of power required the consent of all the states, while to withhold power the dissent of a single state was sufficient.* It is true, that this original and absolute power of self-government has been modified by the Constitution, as already stated, so that three fourths of the states may now grant power; and, consequently, it requires more than one fourth to withhold. The boundary between the reserved and the delegated powers marks the limits of the Union. The states are united to the extent of the latter, and separated beyond that limit. It is, then, clear that it was not intended that the states should be more united than the will of one fourth of them, or, rather, one more than a fourth, would permit. It is worthy of remark, that it was proposed in the Convention

to increase the confederative power, as it may be called, by vesting two thirds of the states with the right of amendment, so as to require more than a third, instead of a fourth, to withhold power. The proposition was rejected, and three fourths unanimously adopted. It is, then, *more hostile to the nature and genius of our system to assume powers not delegated, than to resume those that are; and less hostile that a state, sustained by one fourth of her co-states, should prevent the exercise of power really intended to be granted, than that the General Government should assume the exercise of powers not intended to be delegated.* In the latter case, the usurpation of power would be against the fundamental principle of our system, the original right of the states to self-government; while in the former, if it be usurpation at all, it would be, if so bold an expression may be used, a usurpation in the spirit of the Constitution itself—the spirit ordaining that the utmost extent of our Union should be limited by the will of any number of states exceeding a fourth, and that most wisely. In a country having so great a diversity of geographical and political interests, with so vast a territory, to be filled, in a short time, with almost countless millions—a country of which the parts will equal empires, a union more intimate than that ordained in the Constitution, and so intimate, of course, that it might be permanently hostile to the feelings of more than a fourth of the states, instead of strengthening, would have exposed the system to certain destruction. There is a deep and profound philosophy, which he who best knows our nature will the most highly appreciate, that would make the intensity of the Union, if I may so express myself, inversely to the extent of territory and the population of a country, and the diversity of its interests, geographical and political; and which would hold in deeper dread the assumption of reserved rights by the agent appointed to execute the delegated, than the resumption of the delegated by the authority which granted the powers and ordained the agent to administer them. There appears, indeed, to be a great and prevailing principle that tends to place the delegated power in opposition to the delegating—the created to the creating power—reaching far beyond man and his works, up to the universal source of all power. The earliest pages of Sacred History record the rebellion of the archangels against the high authority of Heaven itself, and ancient mythology, the war of the Titans against Jupiter, which according to its narrative menaced the universe with destruction. This all-pervading principle is at work in our system—the created warring against the creating

power; and unless the government be bolted and chained down with links of adamant by the hand of the states which created it, the creature will usurp the place of the creator, and universal political idolatry overspread the land.

If the views presented be correct, it follows that, on the interposition of a state in favor of the reserved rights, it would be the duty of the General Government to abandon the contested power, or to apply to the states themselves, the source of all political authority, for the power, in one of the two modes prescribed in the Constitution. If the case be a simple one, embracing a single power, and that in its nature easily adjusted, the more ready and appropriate mode would be an amendment in the ordinary form, on a proposition of two thirds of both houses of Congress, to be ratified by three fourths of the states; but, on the contrary, should the derangement of the system be great, embracing many points difficult to adjust, the states ought to be convened in a general Convention, the most august of all assemblies, representing the united sovereignty of the confederated states, and having power and authority to correct every error, and to repair every dilapidation or injury, whether caused by time or accident, or the conflicting movements of the bodies which compose the system. With institutions every way so fortunate, possessed of means so well calculated to prevent disorders, and so admirable to correct them when they cannot be prevented, *he* who would prescribe for our political disease *disunion* on the one side, or *coercion* of *a state* in the assertion of its rights on the other, *would deserve* and *will receive, the execrations of this and all future generations.*

I have now finished what I had to say on the subject of this communication, in its immediate connection with the Constitution. In the discussion, I have advanced nothing but on the authority of the Constitution itself, or that of recorded and unquestionable facts connected with the history of its origin and formation; and have made no deduction but such as rested on principles which I believe to be unquestionable; but it would be idle to expect, in the present state of the public mind, a favorable reception of the conclusions to which I have been carried. There are too many misconceptions to encounter, too many prejudices to combat, and, above all, too great a weight of interest to resist. I do not propose to investigate these great impediments to the reception of the truth, though it would be an interesting subject of inquiry to trace them to their cause, and to measure the force of their impeding power; but there is one among them of so marked a charac-

ter, and which operates so extensively, that I cannot conclude without making it the subject of a few remarks, particularly as they will be calculated to throw much light on what has already been said.

Of all the impediments opposed to a just conception of the nature of our political system, the impression that the right of a state to arrest an unconstitutional act of the General Government is inconsistent with the great and fundamental principle of all free states—that a majority has the right to govern—is the greatest. Thus regarded, nullification is, without farther reflection, denounced as the most dangerous and monstrous of all political heresies, as, in truth, it would be, were the objection as well-founded as, in fact, it is destitute of all foundation, as I shall now proceed to show.

Those who make the objection seem to suppose that the right of a majority to govern is a principle too simple to admit of any distinction; and yet, if I do not mistake, it is susceptible of the most important distinction—entering deeply into the construction of our system, and, I may add, into that of all free states in proportion to the perfection of their institutions, and is essential to the very existence of liberty.

When, then, it is said that a majority has the right to govern, there are two modes of estimating the majority, to either of which the expression is applicable. The one, in which the whole community is regarded in the aggregate, and the majority is estimated in reference to the entire mass. This may be called the majority of the whole, or the absolute majority. The other, in which it is regarded in reference to its different political interests, whether composed of different classes, of different communities, formed into one general confederated community, and in which the majority is estimated, not in reference to the whole, but to each class or community of which it is composed, the assent of each taken separately, and the concurrence of all constituting the majority. A majority thus estimated may be called the concurring majority.

When it is objected to nullification, that it is opposed to the principle that a majority ought to govern, he who makes the objection must mean the absolute, as distinguished from the concurring. It is only in the sense of the former the objection can be applied. In that of the concurring, it would be absurd, as the concurring assent of all the parts (with us, all the states) is of the very essence of such majority. Again, it is manifest, that in the sense it would be good against nullification, it would be equally so against the Constitution itself; for, in whatever light that instrument may be regarded, it is clearly not the work of

the absolute, but of the concurring majority. It was formed and ratified by the concurring assent of all the states, and not by the majority of the whole taken in the aggregate, as has been already stated. Thus, the acknowledged right of each state *in reference to the Constitution*, is unquestionably the same right which nullification attributes to each *in reference to the unconstitutional acts of the government;* and, if the latter be opposed to the right of a majority to govern, the former is equally so. I go further. The objection might, with equal truth, be applied to all free states that have ever existed: I mean states deserving the name, and excluding, of course, those which, after a factious and anarchical existence of a few years, have sunk under the yoke of tyranny or the dominion of some foreign power. There is not, with this exception, a single free state whose institutions were not based on the principle of the concurring majority: not one in which the community was not regarded in reference to its different political interests, and which did not, in some form or other, take the assent of each in the operation of the government.

In support of this assertion, I might begin with our own government and go back to that of Sparta, and show conclusively that there is not one on the list whose institutions were not organized on the principle of the concurring majority, and in the operation of which the sense of each great interest was not separately consulted. The various devices which have been contrived for this purpose, with the peculiar operation of each, would be a curious and highly important subject of investigation. I can only allude to some of the most prominent.

The principle of the concurring majority has sometimes been incorporated in the regular and ordinary operation o the government, each interest having a distinct organization, and a combination of the whole forming the government; but still requiring the consent of each, within its proper sphere, to give validity to the measures of government. Of this modification the British and Spartan governments are by far the most memorable and perfect examples. In others, the right of acting —of making and executing the laws—was vested in one interest, and the right of arresting or nullifying in another. Of this description, the Roman government is much the most striking instance. In others, the right of originating or introducing projects of laws was in one, and of enacting them in another: as at Athens before its government degenerated, where the Senate proposed, and the General Assembly of the people enacted, laws.

These devices were all resorted to with the intention of consulting the separate interests of which the several communities were composed, and against all of which the objection to nullification, that it is opposed to the will of a majority, could be raised with equal force—as strongly, and I may say much more so, against the unlimited, unqualified, and uncontrollable veto of a single tribune out of ten at Rome on all laws and the execution of laws, as against the same right of a sovereign state (one of the twenty-four tribunes of this Union), limited, as the right is, to the unconstitutional acts of the General Government, and liable, as in effect it is, to be controlled by three fourths of the co-states; and yet the Roman Republic, and the other states to which I have referred, are the renowned among free states, whose examples have diffused the spirit of liberty over the world, and which, if struck from the list, would leave behind but little to be admired or imitated. There, indeed, would remain one class deserving from us particular notice, as ours belongs to it—I mean confederacies; but, as a class, heretofore far less distinguished for power and prosperity than those already alluded to; though I trust, with the improvements we have made, destined to be placed at the very head of the illustrious list of states which have blessed the world with examples of well-regulated liberty; and which stand as so many oases in the midst of the desert of oppression and despotism, which occupies so vast a space in the chart of governments. That such will be the great and glorious destiny of our system, I feel assured, provided we do not permit our government to degenerate into the worst of all possible forms, a consolidated government, swayed by the will of an absolute majority. But to proceed.

Viewing a confederated community as composed of as many distinct political interests as there are states, and as requiring the consent of each to its measures, no government can be conceived in which the sense of the whole community can be more perfectly taken, and all its interests be more fully represented and protected. But, with this great advantage, united with the means of the most just and perfect local administration through the agency of the states, and combined with the capacity of embracing within its limits the greatest extent of territory and variety of interests, it is liable to one almost fatal objection, the tardiness and feebleness of its movements—a defect difficult to be remedied, and when not so great as to render a form of government, in other respects so admirable, almost worthless. To overcome

this difficulty was the great desideratum in political science, and the most difficult problem within its circle. To us belongs the glory of its solution, if, indeed, our experiment (for such it must yet be called) shall prove that we have overcome it, as I sincerely believe and hope it will, on account of our own, as well as the liberty and happiness of our race.

Our first experiment in government was on the old form of a simple confederacy, unmodified, and extending the principle of the concurring majority alike to the Constitution (the articles of union) and to the government which it constituted. It failed, and the present structure was reared in its place, combining, for the first time in a confederation, the absolute with the concurring majority; and thus uniting the justice of the one with the energy of the other.

The new government was reared on the foundation of the old, strengthened, but not changed. It stands on the same solid basis of the concurring majority, perfected by the sanction of the people of the states directly given, and not indirectly through the state governments, as their representatives, as in the old confederation. With that difference, the authority which made the two Constitutions—which granted their powers, and ordained and organized their respective governments to execute them—is the same. But, in passing from the Constitution to the government (the law-making and the law-administering powers), the difference between the two becomes radical and essential. There, in the present, the concurring majority is dropped, and the absolute substituted. In determining, then, what powers ought to be granted, and how the government appointed for their execution ought to be organized, the separate and concurring voice of the states was required—the union being regarded, for this purpose, in reference to its various and distinct interests; but in the execution of these powers (delegated only because all the states had a common interest in their exercise), the union is no longer regarded in reference to its parts, but as forming, to the extent of its delegated powers, one great community, to be governed by a common will, just as the states are in reference to their separate interests, and by a government organized on principles similar to theirs. By this simple but fortunate arrangement, we have ingrafted the absolute on the concurring majority, thereby giving to the administration of the powers of the government, where they were required, all the energy and promptness belonging to the former, while we have retained in the power granting and organizing authority (if I may so express

myself) the principle of the concurring majority, and with it that justice, moderation, and full and perfect representation of all the interests of the community which belong exclusively to it.

Such is the solidity and beauty of our admirable system, but which, it is perfectly obvious, can only be preserved by maintaining the ascendency of the CONSTITUTION-MAKING AUTHORITY OVER THE LAW-MAKING—THE CONCURRING OVER THE ABSOLUTE MAJORITY. Nor is it less clear that this can only be effected by the right of a state to annul the unconstitutional acts of the government—a right confounded with the idea of a minority governing a majority, but which, so far from being the case, is indispensable to prevent the more energetic but imperfect majority which controls the movements of the government, from usurping the place of that more perfect and just majority which formed the Constitution and ordained government to execute its powers.

Nor need we apprehend that this check, as powerful as it is, will prove excessive. The distinction between the Constitution and the law-making powers, so strongly marked in our institutions, may yet be considered as a new and untried experiment. It can scarcely be said to have existed at all before our system of government. We have yet much to learn as to its practical operation; and, among other things, if I do not mistake, we are far from realizing the many and great difficulties of holding the latter subordinate to the former, and without which, it is obvious, the entire scheme of constitutional government, at least in our sense, must prove abortive. Short as has been our experience, some of these, of a very formidable character, have begun to disclose themselves, particularly between the Constitution and the government of the Union. The two powers there represent very different interests: the one, that of all the states taken separately; and the other, that of a majority of the states as forming a confederated community. Each acting under the impulse of these respective and very different interests, must necessarily strongly tend to come into collision, and, in the conflict, the advantage will be found almost exclusively on the side of the government or law-making power. A few remarks will be sufficient to illustrate these positions.

The Constitution, while it grants powers to the government, at the same time imposes restrictions on its action, with the intention of confining it within a limited range of powers, and of the means of executing them. The object of the powers is to protect the rights and promote the interests of all; and of the restrictions, to prevent the majority, or

the dominant interests of the government, from perverting powers intended for the common good into the means of oppressing the minor interests of the community. Thus circumstanced, the dominant interest in possession of the powers of the government, and the minor interest on whom they are exercised, must regard these restrictions in a very different light: the latter, as a protection, and the former, as a restraint, and, of course, accompanied with all the impatient feelings with which restrictions on cupidity and ambition are ever regarded by those unruly passions. Under their influence, the Constitution will be viewed by the majority, not as the source of their authority, as it should be, but as shackles on their power. To them it will have no value as the means of protection. As a majority they require none. Their number and strength, and not the Constitution, are their protection; and, of course, if I may so speak, their instinct will be to weaken and destroy the restrictions, in order to enlarge the powers. He must have a very imperfect knowledge of the human heart who does not see, in this state of things, an incessant conflict between the government or the law-making power and the Constitution-making power. Nor is it less certain that, in the contest, the advantage will be exclusively with the former.

The law-making power is organized and in constant action, having the control of the honors and emoluments of the country, and armed with the power to punish and reward; the other, on the contrary, is unorganized, lying dormant in the great inert mass of the community, till called into action on extraordinary occasions and at distant intervals; and then bestowing no honors, exercising no patronage, having neither the faculty to reward nor to punish, but endowed simply with the attribute to grant powers and ordain the authority to execute them. The result is inevitable. With so strong an instinct on the part of the government to throw off the restrictions of the Constitution and to enlarge its powers, and with such powerful faculties to gratify this instinctive impulse, the law-making must necessarily encroach on the Constitution-making power, unless restrained by the most efficient check—at least as strong as that for which we contend. It is worthy of remark, that, all other circumstances being equal, the more dissimilar the interests represented by the two, the more powerful will be this tendency to encroach; and it is from this, among other causes, that it is so much stronger between the government and the Constitution-making powers of the Union, where the interests are so very dissimilar, than between the two in the several states.

That the framers of the Constitution were aware of the danger which I have described, we have conclusive proof in the provision to which I have so frequently alluded—I mean that which provides for amendments to the Constitution.

I have already remarked on that portion of this provision which, with the view of strengthening the confederated power, conceded to three fourths of the states a right to amend, which otherwise could only have been exercised by the unanimous consent of all. It is remarkable, that, while this provision thus strengthened the amending power as it regards the states, it imposed impediments on it as far as the government was concerned. The power of acting, as a general rule, is invested in the majority of Congress; but, instead of permitting a majority to propose amendments, the provision requires for that purpose two thirds of both houses, clearly with a view of interposing a barrier against this strong instinctive appetite of the government for the acquisition of power. But it would have been folly in the extreme thus carefully to guard the passage to the direct acquisition, had the wide door of construction been left open to its indirect; and hence, in the same spirit in which two thirds of both houses were required to propose amendments, the Convention that framed the Constitution rejected the many propositions which were moved in that body with the intention of divesting the states of the right of interposing and, thereby, of the only effectual means of preventing the enlargement of the powers of the government by construction.

It is thus that the Constitution-making power has fortified itself against the law-making; and that so effectually, that, however strong the disposition and capacity of the latter to encroach, the means of resistance on the part of the former are not less powerful. If, indeed, encroachments have been made, the fault is not in the system, but in the inattention and neglect of those whose interest and duty it was to interpose the ample means of protection afforded by the Constitution.

To sum up in few words, in conclusion, what appears to me to be the entire philosophy of government, in reference to the subject of this communication.

Two powers are necessary to the existence and preservation of free states: a power on the part of the ruled to prevent rulers from abusing their authority, by compelling them to be faithful to their constituents, and which is effected through the right of suffrage; and a power TO COMPEL THE PARTS OF SOCIETY TO BE JUST TO ONE ANOTHER, BY COM-

PELLING THEM TO CONSULT THE INTEREST OF EACH OTHER, which can only be effected, whatever may be the device for the purpose, by requiring the concurring assent of all the great and distinct interests of the community to the measures of the government. This result is the sum-total of all the contrivances adopted by free states to preserve their liberty, by preventing the conflicts between the several classes or parts of the community. Both powers are indispensable. The one as much so as the other. The rulers are not more disposed to encroach on the ruled than the different interests of the community on one another; nor would they more certainly convert their power from the just and legitimate objects for which governments are instituted into an instrument of aggrandizement, at the expense of the ruled, unless made responsible to their constituents, than would the stronger interests theirs, at the expense of the weaker, unless compelled to consult them in the measures of the government, by taking their separate and concurring assent. The same cause operates in both cases. The constitution of our nature, which would impel the rulers to oppress the ruled, unless prevented, would in like manner, and with equal force, impel the stronger to oppress the weaker interest. To vest the right of government in the absolute majority, would be, in fact, BUT TO EMBODY THE WILL OF THE STRONGER INTEREST IN THE OPERATIONS OF THE GOVERNMENT, AND NOT THE WILL OF THE WHOLE COMMUNITY, AND TO LEAVE THE OTHERS UNPROTECTED, A PREY TO ITS AMBITION AND CUPIDITY, just as would be the case between rulers and ruled, if the right to govern was vested exclusively in the hands of the former. They would both be, in reality, absolute and despotic governments: the one as much so as the other.

They would both become mere instruments of cupidity and ambition in the hands of those who wielded them. No one doubts that such would be the case were the government placed under the control of irresponsible rulers; but, unfortunately for the cause of liberty, it is not seen with equal clearness that it must as necessarily be so when controlled by an absolute majority; and yet, the former is not more certain than the latter. To this we may attribute the mistake so often and so fatally repeated, that TO EXPEL A DESPOT IS TO ESTABLISH LIBERTY—a mistake to which we may trace the failure of many noble and generous efforts in favor of liberty. The error consists in considering communities as formed of interests strictly identical throughout, instead of being composed, as they in reality are, of so many distinct interests

as there are individuals. The interests of no two persons are the same, regarded in reference to each other, though they may be, viewed in relation to the rest of the community. It is this diversity which the several portions of the community bear to each other, in reference to the whole, that renders the principle of the concurring majority necessary to preserve liberty. Place the power in the hands of the absolute majority, and the strongest of these would certainly pervert the government from the object for which it was instituted, the equal protection of the rights of all, into an instrument of advancing itself at the expense of the rest of the community. Against this abuse of power no remedy can be devised but that of the concurring majority. Neither the right of suffrage nor public opinion can possibly check it. They, in fact, but tend to aggravate the disease. It seems really surprising that truths so obvious should be so imperfectly understood. There would appear, indeed, a feebleness in our intellectual powers on political subjects when directed to large masses. We readily see why a single individual, as a ruler, would, if not prevented, oppress the rest of the community; but are at a loss to understand why seven millions would, if not also prevented, oppress six millions, as if the relative members on either side could in the least degree vary the principle.

In stating what I have, I have but repeated the experience of ages, comprehending all free governments preceding ours, and ours as far as it has advanced. The PRACTICAL operation of ours has been substantially on the principle of *the absolute* majority. We have acted, with some exceptions, as if the General Government had the right to interpret its own powers, without limitation or check; and though many cirumstances have favored us, and greatly impeded the natural progress of events, under such an operation of the system, yet we already see, in whatever direction we turn our eyes, the growing symptoms of disorder and decay—the growth of faction, cupidity, and corruption; and the decay of patriotism, integrity, and disinterestedness. In the midst of youth, we see the flushed cheek, and the short and feverish breath, that mark the approach of the fatal hour; and come it will, unless there be a speedy and radical change—a return to the great conservative principle which brought the Republican party into authority, but which, with the possession of power and prosperity, it has long ceased to remember.

I have now finished the task which your request imposed. If I have been so fortunate as to add to your fund a single new illustration

of this great conservative principle of our government, or to furnish an additional argument calculated to sustain the state in her noble and patriotic struggle to revive and maintain it, and in which you have acted a part long to be remembered by the friends of freedom, I shall feel amply compensated for the time occupied in so long a communication. I believe the cause to be the cause of truth and justice, of union, liberty, and the Constitution, before which the ordinary party struggles of the day sink into perfect insignificance; and that it will be so regarded by the most distant posterity, I have not the slightest doubt.

With great and sincere regard,

I am yours, &c., &c.,

JOHN C. CALHOUN.

His Excellency JAMES HAMILTON, Jun.,
Governor of South Carolina.

This elaborate production exhausted the whole argument in defence of the position assumed by Mr. Calhoun, and, with his address, was regarded as a political text book by the nullifiers of South Carolina. They looked upon it as their *Magna Charta*, which promised them deliverance from wrong and oppression, and behind which were safety and protection.

Before proceeding further, let us see what was in truth the position of Mr. Calhoun; for upon no subject was he more frequently misrepresented, and none of the great constitutional questions which have been agitated, is so little understood at this day in many sections of the Union:—He held, then, 1. that the federal constitution was a compact adopted and ratified by and between the states, in their sovereign capacities as states; 2. that the general government contemplated and authorized by this constitution was the mere agent of the states in the execution of certain delegated powers, in regard to the extent of which the states themselves were the final judges; and 3. that when the reserved powers were in-

fringed by the general government, or the delegated powers abused, its principals, the states, possessed the right of state interposition or nullification, otherwise there would be no remedy for any usurpation of the reserved or abuse of the delegated powers.

These were the great leading features of Mr. Calhoun's creed, and he claimed that the Virginia and Kentucky resolutions, and Mr. Madison's report, fully sustained him in the position he had assumed. And it is difficult to see wherein they did not thus sustain him. The Virginia resolutions declared, in express terms, the right of the states to interpose, whenever their reserved powers were infringed, and to maintain "within their respective limits, the authorities, rights and liberties, appertaining to them;" and in the Kentucky resolutions, Mr. Jefferson held, "that in all cases of an abuse of *delegated* powers, the members of the general government being chosen by the people, a change by the people would be the constitutional remedy; but where powers are *assumed*, which have *not been delegated*, a *nullification* of the act is the rightful remedy that *every state* has a natural right to, in cases not in the compact (*casus non fœderis*), to nullify, of their own authority, all *assumptions of powers* within their limits."

Such was the platform laid down by Jefferson and Madison, the great founders of the Republican party, and upon which Mr. Calhoun planted himself. His views were, of course, diametrically opposed to the consolidation doctrines of the federal school of politicians; and with respect to the minor questions collateral to, or growing out of, these first principles, the difference was as broad and as well-defined. Among Republicans,

however, the State Rights doctrines were generally popular, during the nullification controversy, and they have since become even more so, in consequence of the able and convincing expositions of Mr. Calhoun. But the great majority of his old political friends, out of the state of South Carolina, differed with him as to the application of those doctrines. He insisted, that the power delegated to Congress by the constitution, of laying taxes, duties, imposts and excises, was limited, by its terms, to the following purposes—the payment of the debts and providing for the defence and general welfare of the United States:* he admitted the power of Congress to impose duties for revenue, but denied it for protection.

On the other side it was said, that the right to impose duties for protection existed somewhere; that the federal constitution expressly took away from the states the power to lay imposts or duties on imports or exports;† and that, as this power could not be utterly extinct, it must be lodged in the general government.‡ To this Mr. Calhoun replied, that the idea of protecting the domestic interests of the country was not contemplated by the framers of the constitution; that every tariff prior to 1816 was a revenue tariff; and that the cession of the public lands by the states to the general government was made to enable it to pay the public debt, and that this cession would have been unnecessary for such a purpose, if a high protective tariff was thought to be constitutional. All the opponents of Mr. Calhoun in the Republican party, did not maintain that a tariff, with protection as its primary feature, was con-

* Article i., Section 8. † Ibid, Section 10.

‡ Annual Message of President Jackson, 1830.

stitutional. This doctrine was held by the northern Federalists, and by only a small portion of the friends of the administration of General Jackson. The Republicans, generally, agreed that revenue should be the controlling consideration; but many, and perhaps all who were not nullifiers, thought that it was proper, in the imposition of duties, to discriminate for purposes of protection. This, too, Mr. Calhoun regarded as an error, for discrimination for protection was neither more nor less than protection itself—not so glaring, not so unjust, it might be—yet involving the same identical principle.

Admitting that the words "general welfare" in the constitution, as has been contended by many, would appear to authorize a tariff for the protection of domestic interests: is it true that the *general welfare*, which obviously means the good of the whole, the benefit and advantage of each and every of the states, equally and alike, can be promoted by a protective tariff? Probably no question has given rise to more sophistry, to greater or more absurd fallacies, than this. Many specious arguments, the arguments of chance or circumstance, have been resorted to by the advocates of protection, but they may all be embraced in a few propositions.

In the first place, it is said, that a protective tariff reduces the prices of manufactured goods, and as the evidence of this, the friends of protection point to the difference in the cost of certain articles, previous to 1816, and at the present time. But this is all deception. The establishment of manufactories in this country may have contributed in a very slight degree to reduce prices, but the great causes of this reduction are

to be found in the improvements in machinery originating in the inventive genius of Arkwright, Danforth, Montgomery, Gore, and Roberts, and in the wonderfully increased facilities for the production, and consequent cheapness, of the raw material. One of two things is self-evident:—the duty upon an article either increases the cost to the consumer, or else it affords no protection. If an article can be imported this year and sold at one dollar, and if a duty is next year imposed upon it, all things entering into or making up the value of the article remaining unchanged, the price in the market is increased,—by the amount of protection, if the duty be a prohibitory one, and if less than that, by the amount of the duty itself. So obvious is this, that the contrary proposition carries with it, in its absurdity, its own refutation.

In the second place, it is urged, that a protective tariff affords a home-market for agricultural products. But is this so? The agricultural interest all admit to be *the great interest* of the country; but facts show, that no home-market has ever yet been afforded to it by a protective tariff. Centuries must elapse, if, indeed, that time ever arrives, before our agricultural products will all be consumed at home. There is a large amount of surplus produce annually disposed of in foreign markets. In 1847, there were produced in the United States, 694,491,700 bushels of grain used for breadstuffs, of which the surplus for exportation amounted to 224,384,502 bushels, or nearly one third of the whole amount.* During the year ending the 31st of August, 1849, there were 2,227,844 bales of cotton exported from

* Report of the Commissioner of Patents, January, 1848.

the United States to foreign ports, while the much boasted home-market consumed but 520,000 bales, not one fifth part of the whole production.* The value of the domestic exports of the United States during the year ending on the 30th of June, 1849, was $132,666,955,† of which the agricultural products amounted to $111,059,378, or more than three fourths of the whole amount.‡ In view of these facts, no unprejudiced person can for a moment consider the vast territorial extent of these states, and the variety and amount of their productions, without being forcibly impressed with the conviction that a home-market is entirely out of the question. The manner in which a protective tariff operates to the prejudice of the farmer and planter is this :—the prices obtained for their surplus in foreign markets constitute the standard of value for the whole production. The internal trade, that of the home-market, is mere barter ; but the foreign trade is the true commercial traffic which regulates and controls prices. The value of breadstuffs is not determined in the city of New York, but in the foreign markets where the surplus is disposed of; and the prices of cotton at Charleston, Mobile, and New Orleans, are not made at Providence or Lowell, but at Liverpool and Manchester. Restrictions upon the trade with foreign countries, in the shape of high duties, are therefore injurious to the agricultural interest generally, and are in effect a tax

* Hunt's Merchants' Magazine.

† The total value of the exports, of domestic and foreign produce, was $145,755,820.

‡ House of Representatives, Exec. Doc. 15—1st session, 31st Congress—pp. 50, 51.

upon it to the amount of the increased prices of the protected articles consumed by it; in the southern and planting states they are felt to be particularly oppressive, because nearly one half of the domestic exports of the country are produced there, the value of the rice, cotton and tobacco, exported in the year ending June 30, 1849, amounting to about seventy-five millions of dollars, considerably more than one half of the whole exports during that period.*

Again, it is contended, that without a protective tariff the balance of trade is against us. It is very questionable, whether it would in fact be desirable to have the balance of trade always in our favor, for if we drew ten millions of dollars annually from foreign countries, their supplies of specie would soon be exhausted, and trade would be at an end. Any one who will examine the tables of imports and exports for the last sixty years, will find that the balance has sometimes been in our favor, and sometimes against us—one way this year, and another the next; and that it has been greater against us, under the operation of a protective tariff, than under the revenue tariff of 1846. It was so after the passage of the acts of 1816. 1824, and 1828; the same thing was witnessed, too, after the passage of the compromise act, while the protective duties were collected, though the balance was in this case increased by the excessive importations induced by the speculating tendencies of the times. After the act of 1842 had gone fairly into operation, in 1845 and 1846, the balance was decidedly against us; but for three years subse-

* House of Representatives, Exec. Doc. 15—1st session, 31st Congress—pp. 50, 51.

quent to 1846 the net balance was in our favor.* But this idea in regard to the balance of trade is all delusive; for among the imports are included various items which enter into the substantial wealth of the country,—such as the goods and effects of immigrants, gold and silver sent here to be invested, or the avails of exports sold or of loans obtained for the construction of public works.

It is further said, that we need a high tariff to protect our laborers and mechanics against the pauper labor of Europe. This is the worst of all arguments, because it is agrarian in its character and tendency. Without doubt, the labor of the country is the basis and support of its capital,—that is, the means of production constitute its real wealth. Labor, then, is deserving of encouragement and protection; but a protective tariff is designed to favor only a class of laborers, and not the whole. Hence it must be partial and unjust, and the protection afforded to the comparatively small number of laborers engaged in manufactures is a tax upon the industry of the great mass of laborers. This, also, operates with peculiar hardship in the great staple states at the south, where the avails of labor are sent abroad to a foreign market.

* The following is a table of the imports and exports for three years subsequent to the passage of the act of 1846:

	Imports.	Exports.
1847.	$146,545,638	$158,648,622
1848.	154,977,876	154,032,131
1849.	147,857,439	145,755,820
	$449,380,953	$458,436,573
		449,380,953
	Net balance in favor of U. S.	$9,055,620

A strong argument against the protective tariffs known in the legislation of this country, is to be found in the deceptive features introduced by those who framed them, and which would not have appeared if they had been in themselves just and proper. Of this character are the specific and minimum duties. By the former, articles of very unequal value pay the same duty, which is as palpably unjust as it would be for an assessor to value all the farms in his town or district at the same price, though their actual worth varied from one thousand to one hundred thousand dollars. The minimum principle operates in this way: A duty of perhaps twenty per cent. is imposed on cotton goods, which would seem to the farmer and laborer a quite moderate one; but to ascertain the actual amount of duty, a system of false valuations is adopted, and all cotton cloth worth less than twenty cents the square yard is valued at twenty cents. Upon this false valuation the duty is calculated; as for instance, a yard of cotton cloth, whose actual cost is but four cents, is valued at twenty cents, and a duty of twenty per cent. on this valuation is four cents the yard—thus making the duty in fact one hundred per cent. instead of twenty per cent. It may be said that this duty is a prohibitory one, and therefore it matters not what it may amount to. So much the worse. If the duty be prohibitory, let it be avowed, and let the bill declare it to be fifty, sixty, eighty, or one hundred per cent., as may be intended, and not by means of this deceptive feature, lead those who do not understand the subject, to suppose that the duty is only twenty per cent.

In regard to the remedy for the evils complained of,

Mr. Calhoun and the nullifiers also differed from their republican friends in other states. He held that the right of interposition by a state was immediate upon an infringement of her reserved powers; while they thought it to be "the rightful remedy" only in the last resort, and that an appeal should first be made to the other state governments to redress the wrong before adopting any measures of resistance. This course was recommended by Mr. Jefferson in the Kentucky resolutions, although he did not declare it to be absolutely requisite. If Mr. Calhoun erred, however, in the construction of this great republican doctrine, and in the application of the principles of the republican creed, he was sincere in that error. His attachment to the Union was firm and devoted; he ardently desired to see it perpetuated; and no definite steps were taken by South Carolina toward the protection of what she conceived to be her just rights, until the expiration of four years after the passage of the act of 1828.

While the state was thus agitated with the throes of incipient revolution, a ray of hope shot athwart the beclouded sky. The law of 1828 was far more productive of revenue than had been anticipated by its framers; the public debt was being rapidly extinguished; and the treasury was seriously threatened with plethora. The disposition of the constantly accumulating surplus of revenue was of the first importance, and it was generally conceded by statesmen of all parties that a reduction of duties ought forthwith to be made. The surplus might have been absorbed by a vast increase of the expenditures, but this no party would tolerate. In his annual message, therefore, in December, 1831, Presi-

dent Jackson announced that the public debt would soon be entirely discharged, and recommended the reduction of the duties in order to relieve the people from unnecessary taxation.

So apparent was the necessity for a retrograde movement, that all appeared to concur in it, and at this session of Congress the act of 1832 was passed. This bill was declared to be the ultimatum of the friends of protection, and was intended by the immediate friends of the administration, and by the opposition headed by Mr. Clay, as a final adjustment of the duties. The reduction made by the bill was rather imaginary than real. The duties upon the protected articles were augmented, while those on the unprotected articles were alone diminished. So far, therefore, from abandoning the principle of protection, it was presented in this bill in the most odious form. Mr. Calhoun and his friends would have been content with the present reduction, if a prospective reduction to the revenue standard had been contemplated; but instead of this, it was declared that the bill should be the permanent system of revenue after the extinguishment of the debt.

Immediately after the passage of the bill, the representatives from the state of South Carolina who thought with Mr. Calhoun, that nullification was the rightful remedy, issued an address to the people of the state, advising them that the protecting system might now be regarded as the settled policy of the country, and that all hope of relief from Congress was irrecoverably gone.

The people of South Carolina were not unanimous in sustaining the positions assumed by Mr. Calhoun. A small party calling themselves Unionists, embracing

several popular and influential men, among whom were ex-Governor Manning, Judge Smith, Colonel Drayton, Mr. Pettigru, and Mr. Poinsett, had been formed, and, aided by the whole weight of the influence and patronage of the federal executive, they entered with zeal into the canvass preceding the annual election. A fierce and violent contest ensued, which terminated in the choice of a large majority of nullifiers to the state legislature. Mr. Calhoun was not, in the meanwhile, an idle or indifferent spectator. He did not withhold his counsel or advice, and no one individual contributed more powerfully than he to this result.

It had all along been conceded by the Unionists that the State Rights party were in the ascendant, and the great struggle at the election was to prevent the latter from obtaining the constitutional majority in the legislature. Without a majority of two thirds a convention could not be called, and this was the only mode in which, as the nullifiers admitted, the people of the state could declare an act of the United States unconstitutional and void. The State Rights party, however, returned more than the constitutional number to both houses. The legislature convened on the 22d of October, 1832, and the first business of the session was the passage of a law authorizing the election of delegates to a State Convention, to meet at Columbia on the 19th day of November following.

Delegates were accordingly chosen, and the Convention was held at the appointed time. On the 24th instant they adopted the celebrated Ordinance of Nullification, declaring the acts of 1828 and 1832 absolutely null and void, within the state of South Carolina; pro-

viding that no appeal should be permitted to the Supreme Court of the United States upon any question concerning the validity of the ordinance, or of the laws that might be passed to give effect thereto; prohibiting the authorities of the state, or of the general government, from enforcing the payment of duties within the state, from and after the 1st day of February, 1833; and declaring that any attempt to enforce the revenue laws, otherwise than through the civil tribunals, would be inconsistent with the longer continuance of South Carolina in the Union, and the people of the state would then proceed forthwith to the formation of *an independent government*.* This ordinance was accompanied by two addresses—one to the people of South Carolina, and the other to the people of the other states in the Union—setting forth the motives which had prompted the adoption of the ordinance, and the principles upon which it was founded. These proceedings were had with the knowledge, and in part under the advice, of Mr. Calhoun; and, consequently, they met with his approbation. The Convention then adjourned to meet again in March, after the adjournment of Congress.

The South Carolina legislature being still in session, the necessary laws to give effect to the ordinance were passed; and as it had been threatened by the Unionists that the President would direct the collection of the revenue by force of arms, "the state placed itself in an attitude of military preparation for the defence of its position; organized and armed its own physical force; and succeeded in arousing so determined and excited a state of feeling in its citizens, that we think there can

* Niles' Register, vol. xliii. p. 277.

be no doubt that it would have maintained its position to the last extremity,—a position, manifestly, exceedingly difficult to be overcome, if thus maintained, by any physical power which could have been brought against it."*

The proceedings in South Carolina were followed by the proclamation of the President declaring the ordinance of the State Convention subversive of the federal constitution, and his intention to enforce the laws at whatever hazard, and warning the people of the state against obedience to the ordinance as involving the crime of treason against the United States. Meanwhile, General Hayne, the able and accomplished senator in Congress from South Carolina, had been elected governor of the state by the legislature and had entered upon the duties of his office; and in reply to the President's proclamation, he issued a counter proclamation defending the position assumed by the state, and calling out twelve thousand volunteers.

By the election of General Hayne as governor, a vacancy had been produced in the representation of the state in Congress. It was important at this particular juncture that the state should be represented in the federal councils by the ablest of her sons, and all eyes were now instinctively turned toward Mr. Calhoun. Prior to the adjournment of the legislature, therefore, in December, 1832, he was chosen as the successor of Mr. Hayne in the senate of the United States. Mr. Calhoun was prompt to regard the call of his native state; her claims were paramount; and he readily consented to become her champion and defender.

* Democratic Review, April, 1838.

CHAPTER IX.

Journey to Washington—Takes his Seat in the Senate—Special Message of the President—Mr. Calhoun's Resolutions—The Force Bill—Speech against it—The Debate—Argument of Mr. Webster—Reply of Mr. Calhoun—Character of this Effort—Passage of the Compromise Act—Peaceful Termination of the Controversy.

The Senate of the Union was the theatre of Mr. Calhoun's proudest triumphs—the great field of his usefulness and fame. His journey to Washington was like that of Luther to attend the diet at Worms. Out of South Carolina public opinion was certainly against him, and it was only here and there he found a good Frondsberg to whisper in his ear, "If you are sincere, and sure of your cause, go on in God's name, and fear nothing; God will not forsake you!"

It was queried by many whether he would not be apprehended, and some stoutly asserted that he would be arrested ere he reached Washington. He was called the head and front of the nullification cause, but he esteemed it an honor to be thus designated. He was stigmatized an arch-traitor and denounced as a disunionist, yet he pursued his way unmoved by clamor or denunciation. It was said that he aimed to overthrow the Constitution, and that his presence at the capitol would endanger the peace and security of the Union. But he had no such end in view. His errand

was one of peace. He loved the Union too well lightly to peril it. He looked upon the state governments as the pillars, to use the language of a distinguished statesman of New York,* "which support the magnificent dome of our national government," and if but one of them should be removed, the strength and beauty of the edifice reared above them would be gone forever. He desired, therefore, to make one more last effort for redress, and he could not but feel assured, that if passions and prejudices did not overrule the judgments of men, it would prove successful.

Having resigned the office of vice-president, he took his seat in the Senate shortly after the commencement of the session in December, 1832. Many affected to doubt, for those who really understood his position could not have questioned his readiness to abide by the Constitution, whether he would take the oath of office. The floor of the senate-chamber and the galleries were thronged with spectators. They saw him take the oath with a solemnity and dignity appropriate to the occasion, and then calmly seat himself on the right of the chair, among his old political friends, nearly all of whom were now arrayed against him.

In a few days after he entered the Senate, he introduced a resolution, calling upon the president to lay before that body the ordinance of South Carolina, and other documents connected with it, which had been transmitted to him by the executive of the state. Before any action was had upon the resolution, the special message of the president, dated the 16th January, 1833, was sent in. This message took strong ground

* De Witt Clinton.

against South Carolina, and Mr. Calhoun felt that the occasion required something in the nature of a reply from him. He had been out of the habit of public speaking, yet he could not shrink from his duty. He arose, therefore, after the reading of the message had been concluded, and delivered an eloquent and effective speech in defence of his state, which he concluded by declaring, most emphatically, that if the national government should be brought back to the principles of 1798, he would be the last to abandon it.

The message of the president and the accompanying documents were referred to the committee on the judiciary, of which Mr. Grundy was chairman. Mr. Webster was also a member of the committee, and he had publicly avowed his intention to use his utmost efforts to put down the nullification doctrines of South Carolina. A bill, known as the Force Bill, was soon after reported by this committee, which extended the jurisdiction of the courts of the United States in cases arising under the revenue laws, and clothing the president with additional powers. The object of this bill, which was not disguised, was to enable the federal executive to enforce the collection of the revenue in South Carolina. Mr. Calhoun desired that the important constitutional question at issue should undergo a preliminary discussion, before the bill was called up, and with the view of provoking debate, he introduced the following resolutions, affirmatory of the great principles for which he and his "beloved and virtuous state" were contending:—

"Resolved, That the people of the several states composing these United States are united as parties to a constitutional compact, to which

the people of each state acceded as a separate and sovereign community, each binding itself, by its own particular ratification; and that the Union, of which the said compact is the bond, is a union *between the states* ratifying the same.

"Resolved, That the people of the several states, thus united by a constitutional compact, in forming that instrument, in creating a General Government to carry into effect the objects for which it was formed, delegated to that government, for that purpose, certain definite powers, to be exercised jointly, reserving, at the same time, each state to itself, the residuary mass of powers, to be exercised by its own separate government; and that, whenever the General Government assumes the exercise of powers not delegated by the compact, its acts are unauthorized, void, and of no effect; and that the said government is not made the final judge of the powers delegated to it, since that would make its discretion, and not the Constitution, the measure of its powers; but that, as in all other cases of compact among sovereign parties, without any common judge, each has an equal right to judge for itself, as well of the infraction as of the mode and measure of redress.

"Resolved, That the assertions, that the people of these United States, taken collectively as individuals, are now, or ever have been, united on the principle of the social compact, and, as such, are now formed into one nation or people; or that they have ever been so united in any one stage of their political existence; or that the people of the several states comprising the Union have not, as members thereof, retained their sovereignty; or that the allegiance of their citizens has been transferred to the General Government; or that they have parted with the right of punishing treason through their respective state governments; or that they have not the right of judging, in the last resort, as to the extent of the powers reserved, and, of consequence, of those delegated, are not only without foundation in truth, but are contrary to the most certain and plain historical facts, and the clearest deductions of reason; and that all exercise of power on the part of the General Government, or any of its departments, deriving authority from such erroneous assumptions, must of necessity be unconstitutional; must tend directly and inevitably to subvert the sovereignty of the states, to destroy the federal character of the Union, and to rear on its ruins a consolidated government, without constitutional check or limitation, and which must necessarily terminate in the loss of liberty itself."

These resolutions covered the whole ground in dis-

pute, and it was but just that the principles, involved should be settled before proceeding to the consideration of the bill; for if South Carolina was right in her position, the passage of the bill would be a gross act of injustice. But in the progress of the controversy, many bad feelings had been aroused on both sides, and a disposition was manifested on the part of the supporters of the administration, to press matters to a crisis at once. Under the influence of this prevailing disposition, the resolutions of Mr. Calhoun were laid upon the table, and the bill taken up for discussion. Previous to this, however, Mr. Grundy had offered a series of resolutions declaring the several acts of Congress laying duties on imports to be constitutional, and denying the power of a single state to annul those laws or any other constitutional law; but conceding the point in favor of South Carolina, that with respect to an unconstitutional law, the states themselves were the final judges, and possessed the power of annulling it. Mr. Webster, and other senators occupying the extreme federal ground upon this question, did not, of course, approve of Mr. Grundy's resolutions, but they supported the Force Bill with great earnestness.

The debate was ably conducted. Many of the republican senators from the southern states opposed the bill in effective speeches, and resisted its passage at every step. Not a single senator offered to take up the gauntlet thrown down by Mr. Calhoun while the bill was pending before the Senate, although Mr. Webster, in particular, was well known to differ from him *toto cœlo*. It had been the intention of the former to reply to Mr. Webster, but when it became known that

he would not speak first, Mr. Calhoun himself took the floor in opposition to the measure, and in defence of South Carolina. He also replied to the personal attacks which had been made upon him, and repelled, in eloquent and indignant terms, the charge, that he had been influenced by disappointed ambition.

SPEECH AGAINST THE FORCE BILL.

Mr. President—I know not which is most objectionable, the provision of the bill, or the temper in which its adoption has been urged. If the extraordinary powers with which the bill proposes to clothe the executive, to the utter prostration of the Constitution and the rights of the states, be calculated to impress our minds with alarm at the rapid progress of despotism in our country; the zeal with which every circumstance calculated to misrepresent or exaggerate the conduct of Carolina in the controversy, is seized on with a view to excite hostility against her, but too plainly indicates the deep decay of that brotherly feeling which once existed between these states, and to which we are indebted for our beautiful federal system, and by the continuance of which alone it can be preserved. It is not my intention to advert to all these misrepresentations, but there are some so well calculated to mislead the mind as to the real character of the controversy, and hold up the state in a light so odious, that I do not feel myself justified in permitting them to pass unnoticed.

Among them, one of the most prominent is the false statement that the object of South Carolina is to exempt herself from her share of the public burdens, while she participates in the advantages of the government. If the charge were true—if the state were capable of being actuated by such low and unworthy motives, mother as I consider her, I would not stand up on this floor to vindicate her conduct. Among her faults, and faults I will not deny she has, no one has ever yet charged her with that low and most sordid of vices—avarice. Her conduct, on all occasions, has been marked with the very opposite quality. From the commencement of the Revolution—from its first breaking out at Boston till this hour, no state has been more profuse of its blood in the cause of the country, nor has any contributed so largely to the common treasury in proportion to wealth and population. She has in

that proportion contributed more to the exports of the Union, on the exchange of which with the rest of the world the greater portion of the public burden has been levied, than any other state. No: the controversy is not such as has been stated; the state does not seek to participate in the advantages of the government without contributing her full share to the public treasury. Her object is far different. A deep constitutional question lies at the bottom of the controversy. The real question at issue is, Has the government a right to impose burdens on the capital and industry of one portion of the country, not with a view to revenue, but to benefit another? and I must be permitted to say that, after the long and deep agitation of this controversy, it is with surprise that I perceive so strong a disposition to misrepresent its real character. To correct the impression which those misrepresentations are calculated to make, I will dwell on the point under consideration for a few moments longer.

The Federal Government has, by an express provision of the Constitution, the right to lay duties on imports. The state has never denied or resisted this right, nor even thought of so doing. The government has, however, not been contented with exercising this power as she had a right to do, but has gone a step beyond it, by laying imposts, not for revenue, but for protection. This the state considers as an unconstitutional exercise of power—highly injurious and oppressive to her and the other staple states, and has, accordingly, met it with the most determined resistance. I do not intend to enter, at this time, into the argument as to the unconstitutionality of the protective system. It is not necessary. It is sufficient that the power is nowhere granted; and that, from the journals of the Convention which formed the Constitution, it would seem that it was refused. In support of the journals, I might cite the statement of Luther Martin, which has already been referred to, to show that the Convention, so far from conferring the power on the Federal Government, left to the state the right to impose duties on imports, with the express view of enabling the several states to protect their own manufactures. Notwithstanding this, Congress has assumed, without any warrant from the Constitution, the right of exercising this most important power, and has so exercised it as to impose a ruinous burden on the labor and capital of the state of South Carolina, by which her resources are exhausted—the enjoyments of her citizens curtailed—the means of education contracted—and all her interests essentially and injuriously affected. We have been sneeringly told that

she is a small state; that her population does not much exceed half a million of souls; and that more than one half are not of the European race. The facts are so. I know she never can be a great state, and that the only distinction to which she can aspire must be based on the moral and intellectual acquirements of her sons. To the development of these much of her attention has been directed; but this restrictive system, which has so unjustly exacted the proceeds of her labor, to be bestowed on other sections, has so impaired the resources of the state, that, if not speedily arrested, it will dry up the means of education, and with it deprive her of the only source through which she can aspire to distinction.

There is another misstatement, as to the nature of the controversy, so frequently made in debate, and so well calculated to mislead, that I feel bound to notice it. It has been said that South Carolina claims the right to annul the Constitution and laws of the United States; and to rebut this supposed claim, the gentleman from Virginia (Mr. Rives) has gravely quoted the Constitution, to prove that the Constitution, and the laws made in pursuance thereof, are the supreme laws of the land—as if the state claimed the right to act contrary to this provision of the Constitution. Nothing can be more erroneous: her object is not to resist laws made in pursuance of the Constitution, but those made without its authority, and which encroach on her reserved powers. She claims not even the right of judging of the delegated powers; but of those that are reserved, and to resist the former, when they encroach upon the latter. I will pause to illustrate this important point.

All must admit that there are delegated and reserved powers, and that the powers reserved are reserved to the states respectively. The powers, then, of the system are divided between the general and the state government; and the point immediately under consideration is, whether a state has any right to judge as to the extent of its reserved powers, and to defend them against the encroachments of the General Government. Without going deeply into this point at this stage of the argument, or looking into the nature and origin of the government, there is a simple view of the subject which I consider as conclusive. The very idea of a divided power implies the right on the part of the state for which I contend. The expression is metaphorical when applied to power. Every one readily understands that the division of matter consists in the separation of the parts. But in this sense it is not applicable to power. What, then, is meant by a division of power? I cannot

conceive of a division, without giving an equal right to each to judge of the extent of the power allotted to each. Such right I hold to be essential to the existence of a division; and that, to give to either party the conclusive right of judging, not only of the share allotted to it, but of that allotted to the other, is to annul the division, and would confer the whole power on the party vested with such right.

But it is contended that the Constitution has conferred on the Supreme Court the right of judging between the states and the General Government. Those who make this objection overlook, I conceive, an important provision of the Constitution. By turning to the 10th amended article, it will be seen that the reservation of power to the states is not only against the powers delegated to Congress, but against the United States themselves; and extends, of course, as well to the judiciary as to the other departments of the government. The article provides, that all powers not delegated to the United States, or prohibited by it to the states, are reserved to the states respectively, or to the people. This presents the inquiry, What powers are delegated to the United States? They may be classed under four divisions: first, those that are delegated by the states to each other, by virtue of which the Constitution may be altered or amended by three fourths of the states, when, without which, it would have required the unanimous vote of all; next, the powers conferred on Congress; then those on the President; and, finally, those on the judicial department—all of which are particularly enumerated in the parts of the Constitution which organize the respective departments. The reservation of powers to the states is, as I have said, against the whole, and is as full against the judicial as it is against the executive and legislative departments of the government. It cannot be claimed for the one without claiming it for the whole, and without, in fact, annulling this important provision of the Constitution.

Against this, as it appears to me, conclusive view of the subject, it has been urged that this power is expressly conferred on the Supreme Court by that portion of the Constitution which provides that the judicial power shall extend to all cases in law and equity arising under the Constitution, the laws of the United States, and treaties made under their authority. I believe the assertion to be utterly destitute of any foundation. It obviously is the intention of the Constitution simply to make the judicial power commensurate with the law-making and treaty-making powers; and to vest it with the right of applying the Constitution, the laws, and the treaties, to the cases which might

arise under them; and not to make it the judge of the Constitution, the laws, and the treaties themselves. In fact, the power of applying the laws to the facts of the case, and deciding upon such application, constitutes, in truth, the judicial power. The distinction between such power, and that of judging of the laws, will be perfectly apparent when we advert to what is the acknowledged power of the court in reference to treaties or compacts between sovereigns. It is perfectly established, that the courts have no right to judge of the violation of treaties; and that, in reference to them, their power is limited to the right of judging simply of the violation of rights under them; and that the right of judging of infractions belongs exclusively to the parties themselves, and not to the courts: of which we have an example in the French treaty, which was declared by Congress null and void, in consequence of its violation by the government of France. Without such declaration, had a French citizen sued a citizen of this country under the treaty, the court could have taken no cognizance of its infraction; nor, after such a declaration, would it have heard any argument or proof going to show that the treaty had not been violated.

The declaration of itself is conclusive on the court. But it will be asked how the court obtained the powers to pronounce a law or treaty unconstitutional, when they come in conflict with that instrument. I do not deny that it possesses the right, but I can by no means concede that it was derived from the Constitution. It had its origin in the necessity of the case. Where there are two or more rules established, one from a higher, the other from a lower authority, which may come into conflict in applying them to a particular case, the judge cannot avoid pronouncing in favor of the superior against the inferior. It is from this necessity, and this alone, that the power which is now set up to overrule the rights of the states against an express provision of the Constitution was derived. It had no other origin. That I have traced it to its true source, will be manifest from the fact that it is a power which, so far from being conferred exclusively on the Supreme Court, as is insisted, belongs to every court—inferior and superior—state and general—and even to foreign courts.

But the senator from Delaware (Mr. Clayton) relies on the journals of the Convention to prove that it was the intention of that body to confer on the Supreme Court the right of deciding in the last resort between a state and the General Government. I will not follow him through the journals, as I do not deem that to be necessary to refute

his argument. It is sufficient for this purpose to state, that Mr. Rutledge reported a resolution, providing expressly that the United States and the states might be parties before the Supreme Court. If this proposition had been adopted, I would ask the senator whether this very controversy between the United States and South Carolina might not have been brought before the court? I would also ask him whether it can be brought before the court as the Constitution now stands? If he answers the former in the affirmative, and the latter in the negative, as he must, then it is clear, his elaborate argument to the contrary notwithstanding, that the report of Mr. Rutledge was not, in substance, adopted as he contended; and that the journals, so far from supporting, are in direct opposition to the position which he attempts to maintain. I might push the argument much further against the power of the court, but I do not deem it necessary, at least in this stage of the discussion. If the views which have already been presented be correct, and I do not see how they can be resisted, the conclusion is inevitable, that the reserved powers were reserved equally against every department of the government, and as strongly against the judicial as against the other departments, and, of course, were left under the exclusive will of the states.

There still remains another misrepresentation of the conduct of the state which has been made with the view of exciting odium. I allude to the charge, that South Carolina supported the tariff of 1816, and is, therefore, responsible for the protective system. To determine the truth of this charge, it becomes necessary to ascertain the real character of that law—whether it was a tariff for revenue or for protection—which presents the inquiry, What was the condition of the country at that period? The late war with Great Britain had just terminated, which, with the restrictive system that preceded it, had diverted a large amount of capital and industry from commerce to manufactures, particularly to the cotton and woollen branches. There was a debt, at the same time, of one hundred and thirty millions of dollars hanging over the country, and the heavy war duties were still in existence. Under these circumstances, the question was presented, to what point the duties ought to be reduced. That question involved another—at what time the debt ought to be paid; which was a question of policy involving in its consideration all the circumstances connected with the then condition of the country. Among the most prominent arguments in favor of an early discharge of the debt was, that the high duties

which it would require to effect it would have, at the same time, the effect of sustaining the infant manufactures, which had been forced up under the circumstances to which I have adverted. This view of the subject had a decided influence in determining in favor of an early payment of the debt. The sinking fund was, accordingly, raised from seven to ten millions of dollars with the provision to apply the surplus which might remain in the treasury as a contingent appropriation to that fund; and the duties were graduated to meet this increased expenditure. It was thus that the policy and justice of protecting the large amount of capital and industry which had been diverted by the measures of the government into new channels, as I have stated, was combined with the fiscal action of the government, and which, while it secured a prompt payment of the debt, prevented the immense losses to the manufacturers which would have followed a sudden and great reduction. Still, revenue was the main object, and protection but the incidental. The bill to reduce the duties was reported by the Committee of Ways and Means, and not of Manufactures, and it proposed a heavy reduction on the then existing rate of duties. But what of itself, without other evidence, was decisive as to the character of the bill, is the fact that it fixed a much higher rate of duties on the unprotected than on the protected articles. I will enumerate a few leading articles only: woollen and cotton above the value of 25 cents on the square yard, though they were the leading objects of protection, were subject to a permanent duty of only 20 per cent. Iron, another leading article among the protected, had a protection of not more than 9 per cent. as fixed by the act, and of but fifteen as reported in the bill. These rates were all below the average duties as fixed in the act, including the protected, the unprotected, and even the free articles. I have entered into some calculation, in order to ascertain the average rate of duties under the act. There is some uncertainty in the data, but I feel assured that it is not less than thirty per cent. *ad valorem:* showing an excess of the average duties above that imposed on the protected articles enumerated of more than 10 per cent., and thus clearly establishing the character of the measure—that it was for revenue, and not protection.

Looking back, even at this distant period, with all our experience, I perceive but two errors in the act: the one in reference to iron, and the other the minimum duty on coarse cottons. As to the former, I conceive that the bill, as reported, proposed a duty relatively too low,

which was still farther reduced in its passage through Congress. The duty, at first, was fixed at seventy-five cents the hundred weight; but, in the last stage of its passage, it was reduced, by a sort of caprice, occasioned by an unfortunate motion, to forty-five cents. This injustice was severely felt in Pennsylvania, the state, above all others, most productive of iron; and was the principal cause of that great reaction which has since thrown her so decidedly on the side of the protective policy. The other error was that as to coarse cottons, on which the duty was as much too high as that on iron was too low. It introduced, besides, the obnoxious minimum principle, which has since been so mischievously extended; and to that extent, I am constrained, in candor, to acknowledge, as I wish to disguise nothing, the protective principle was recognized by the act of 1816. How this was overlooked at the time, it is not in my power to say. It escaped my observation, which I can account for only on the ground that the principle was then new, and that my attention was engaged by another important subject—the question of the currency, then so urgent, and with which, as chairman of the committee, I was particularly charged. With these exceptions, I again repeat, I see nothing in the bill to condemn; yet it is on the ground that the members from the state voted for the bill, that the attempt is now made to hold up Carolina as responsible for the whole system of protection which has since followed, though she has resisted its progress in every stage. Was there ever greater injustice? And how is it to be accounted for, but as forming a part of that systematic misrepresentation and calumny which has been directed for so many years, without interruption, against that gallant and generous state? And why has she thus been assailed? Merely because she abstained from taking any part in the Presidential canvass—believing that it had degenerated into a mere system of imposition on the people—controlled, almost exclusively, by those whose object it is to obtain the patronage of the government, and that without regard to principle or policy. Standing apart from what she considered a contest in which the public had no interest, she has been assailed by both parties with a fury altogether unparalleled; but which, pursuing the course which she believed liberty and duty required, she has met with a firmness equal to the fierceness of the assault. In the midst of this attack, I have not escaped. With a view of inflicting a wound on the state through me, I have been held up as the author of the protective system, and one of its most strenuous advocates. It is with pain that I allude to myself on so deep and grave

a subject as that now under discussion, and which, I sincerely believe, involves the liberty of the country. I now regret that, under the sense of injustice which the remarks of a senator from Pennsylvania (Mr. Wilkins) excited for the moment, I hastily gave my pledge to defend myself against the charge which has been made in reference to my course in 1816: not that there will be any difficulty in repelling the charge, but because I feel a deep reluctance in turning the discussion, in any degree, from a subject of so much magnitude to one of so little importance as the consistency or inconsistency of myself, or any other individual, particularly in connection with an event so long since passed. But for this hasty pledge, I would have remained silent, as to my own course, on this occasion, and would have borne with patience and calmness this, with the many other misrepresentations with which I have been so incessantly assailed for so many years.

The charge that I was the author of the protective system has no other foundation but that I, in common with the almost entire South, gave my support to the tariff of 1816. It is true that I advocated that measure, for which I may rest my defence, without taking any other, on the ground that it was a tariff for revenue, and not for protection, which I have established beyond the power of controversy. But my speech on the occasion has been brought in judgment against me by the senator from Pennsylvania. I have since cast my eyes over the speech; and I will surprise, I have no doubt, the senator, by telling him that, with the exception of some hasty and unguarded expressions, I retract nothing I uttered on that occasion. I only ask that I may be judged, in reference to it, in that spirit of fairness and justice which is due to the occasion: taking into consideration the circumstances under which it was delivered, and bearing in mind that the subject was a tariff for revenue, and not for protection; for reducing, and not raising the revenue. But, before I explain the then condition of the country, from which my main arguments in favor of the measure were drawn, it is nothing but an act of justice to myself that I should state a fact in connection with my speech, that is necessary to explain what I have called hasty and unguarded expressions. My speech was an *impromptu*, and, as such, I apologized to the house, as appears from the speech as printed, for offering my sentiments on the question without having duly reflected on the subject. It was delivered at the request of a friend, when I had not previously the least intention of addressing the house. I allude to Samuel D. Ingham, then and now, as I am proud to say, a

personal and political friend—a man of talents and integrity—with a clear head, and firm and patriotic heart; then among the leading members of the house: in the palmy state of his political glory, though now for a moment depressed—depressed, did I say? no! it is his state which is depressed—Pennsylvania, and not Samuel D. Ingham! Pennsylvania, which has deserted him under circumstances which, instead of depressing, ought to have elevated him in her estimation. He came to me, when sitting at my desk writing, and said that the house was falling into some confusion, accompanying it with a remark, that I knew how difficult it was to rally so large a body when once broken on a tax bill, as had been experienced during the late war. Having a higher opinion of my influence than it deserved, he requested me to say something to prevent the confusion. I replied that I was at a loss what to say; that I had been busily engaged on the currency, which was then in great confusion, and which, as I have stated, had been placed particularly under my charge, as the chairman of the committee on that subject. He repeated his request, and the speech which the senator from Pennsylvania has complimented so highly was the result.

I will ask whether the facts stated ought not, in justice, to be borne in mind by those who would hold me accountable, not only for the general scope of the speech, but for every word and sentence which it contains? But, in asking this question, it is not my intention to repudiate the speech. All I ask is, that I may be judged by the rules which, in justice, belong to the case. Let it be recollected that the bill was a revenue bill, and, of course, that it was constitutional. I need not remind the senate that, when the measure is constitutional, all arguments calculated to show its beneficial operation may be legitimately pressed into service, without taking into consideration whether the subject to which the arguments refer be within the sphere of the Constitution or not. If, for instance, a question were before the body to lay a duty on Bibles, and a motion were made to reduce the duty, or admit Bibles duty free, who could doubt that the argument in favor of the motion, that the increased circulation of the Bible would be in favor of the morality and religion of the country, would be strictly proper? Or who would suppose that he who adduced it had committed himself on the constitutionality of taking the religion or morals of the country under the charge of the Federal Government? Again: suppose the question to be to raise the duty on silk, or any other article of luxury, and that it should be supported on the ground that it was an

article mainly consumed by the rich and extravagant, could it be fairly inferred that, in the opinion of the speaker, Congress had a right to pass sumptuary laws? I only ask that these plain rules may be applied to my argument on the tariff of 1816. They turn almost entirely on the benefits which manufactures conferred on the country in time of war, and which no one could doubt. The country had recently passed through such a state. The world was at that time deeply agitated by the effects of the great conflict which had so long raged in Europe, and which no one could tell how soon again might return. Bonaparte had but recently been overthrown: the whole southern part of this continent was in a state of revolution, and was threatened with the interference of the Holy Alliance, which, had it occurred, must almost necessarily have involved this country in a dangerous conflict. It was under these circumstances that I delivered the speech, in which I urged the house that, in the adjustment of the tariff, reference ought to be had to a state of war as well as peace, and that its provisions ought to be fixed on the compound views of the two periods—making some sacrifice in peace, in order that less might be made in war. Was this principle false? and, in urging it, did I commit myself to that system of oppression since grown up, and which has for its object the enriching of one portion of the country at the expense of the other?

The plain rule in all such cases is, that when a measure is proposed, the first thing is to ascertain its constitutionality; and, that being ascertained, the next is its expediency; which last opens the whole field of argument for and against. Every topic may be urged calculated to prove it wise or unwise; so in a bill to raise imposts. It must first be ascertained that the bill is based on the principles of revenue, and that the money raised is necessary for the wants of the country. These being ascertained, every argument, direct and indirect, may be fairly offered, which may go to show that under all the circumstances, the provisions of the bill are proper or improper. Had this plain and simple rule been adhered to, we should never have heard of the complaint against Carolina. Her objection is not against the improper modification of a bill acknowledged to be for revenue, but that, under the name of imposts, a power essentially different from the taxing power is exercised—partaking much more of the character of a penalty than a tax. Nothing is more common than that things closely resembling in appearance should widely and essentially differ in their character. Arsenic, for instance, resembles flour, yet one is a deadly poison, and the other that which

constitutes the staff of life. So duties imposed, whether for revenue or protection, may be called imposts; though nominally and apparently the same, yet they differ essentially in their real character.

I shall now return to my speech on the tariff of 1816. To determine what my opinions really were on the subject of protection at that time, it will be proper to advert to my sentiments before and after that period. My sentiments preceding 1816, on this subject, are matter of record. I came into Congress, in 1812, a devoted friend and supporter of the then administration; yet one of my first efforts was to brave the administration, by opposing its favorite measure, the restrictive system —embargo, non-intercourse, and all—and that upon the principle of free trade. The system remained in fashion for a time; but, after the overthrow of Bonaparte, I reported a bill from the Committee on Foreign Relations, to repeal the whole system of restrictive measures. While the bill was under consideration, a worthy man, then a member of the house (Mr. M'Kim, of Baltimore), moved to except the non-importation act, which he supported on the ground of encouragement to manufactures. I resisted the motion on the very grounds on which Mr. M'Kim supported it. I maintained that the manufacturers were then receiving too much protection, and warned its friends that the withdrawal of the protection which the war and the high duties then afforded would cause great embarrassment; and that the true policy, in the mean time, was to admit foreign goods as freely as possible, in order to diminish the anticipated embarrassment on the return of peace; intimating, at the same time, my desire to see the tariff revised, with a view of affording a moderate and permanent protection.

Such was my conduct before 1816. Shortly after that period I left Congress, and had no opportunity of making known my sentiments in reference to the protective system, which shortly after began to be agitated. But I have the most conclusive evidence that I considered the arrangement of the revenue, in 1816, as growing out of the necessity of the case, and due to the consideration of justice; but that, even at that early period, I was not without my fears that even that arrangement would lead to abuse and future difficulties. I regret that I have been compelled to dwell so long on myself; but trust that, whatever censure may be incurred, will not be directed against me, but against those who have drawn my conduct into the controversy; and who may hope, by assailing my motives, to wound the cause with which I am proud to be identified.

I may add, that all the Southern States voted with South Carolina in support of the bill: not that they had any interest in manufactures, but on the ground that they had supported the war, and, of course, felt a corresponding obligation to sustain those establishments which had grown up under the encouragement it had incidentally afforded; while most of the New England members were opposed to the measure, principally, as I believe, on opposite principles.

I have now, I trust, satisfactorily repelled the charge against the state, and myself personally, in reference to the tariff of 1816. Whatever support the state has given the bill, originated in the most disinterested motives.

There was not within the limits of the state, so far as my memory serves me, a single cotton or woollen establishment. Her whole dependence was on agriculture, and the cultivation of two great staples, rice and cotton. Her obvious policy was to keep open the market of the world unchecked and unrestricted: to buy cheap, and to sell high; but from a feeling of kindness, combined with a sense of justice, she added her support to the bill. We had been told by the agents of the manufacturers that the protection which the measure afforded would be sufficient; to which we the more readily conceded, as it was considered a final adjustment of the question.

Let us now turn our eyes forward, and see what has been the conduct of the parties to this arrangement. Have Carolina and the South disturbed this adjustment? No: they have never raised their voice in a single instance against it, even though this measure, moderate, comparatively, as it is, was felt with no inconsiderable pressure on their interests. Was this example imitated on the opposite side? Far otherwise. Scarcely had the president signed his name, before application was made for an increase of duties, which was repeated, with demands continually growing, till the passage of the act of 1828. What course now, I would ask, did it become Carolina to pursue in reference to these demands? Instead of acquiescing in them, because she had acted generously in adjusting the tariff of 1816, she saw, in her generosity on that occasion, additional motives for that firm and decided resistance which she has since made against the system of protection. She accordingly commenced a systematic opposition to all farther encroachments, which continued from 1818 till 1828: by discussions and by resolutions, by remonstrances and by protests through her Legislature. These all proved insufficient to stem the current of encroachment; but, notwith-

standing the heavy pressure on her industry, she never despaired of relief till the passage of the act of 1828—that bill of abominations—engendered by avarice and political intrigue. Its adoption opened the eyes of the state, and gave a new character to the controversy. Till then, the question had been, whether the protective system was constitutional and expedient; but, after that, she no longer considered the question whether the right of regulating the industry of the states was a reserved or delegated power, but what right a state possesses to defend her reserved powers against the encroachments of the Federal Government: a question on the decision of which the value of all the reserved powers depends. The passage of the act of 1828, with all its objectionable features, and under the odious circumstances under which it was adopted, almost, if not entirely, closed the door of hope through the General Government. It afforded conclusive evidence that no reasonable prospect of relief from Congress could be entertained; yet the near approach of the period of the payment of the public debt, and the elevation of General Jackson to the presidency, still afforded a ray of hope—not so strong, however, as to prevent the state from turning her eyes for final relief to her reserved powers.

Under these circumstances commenced that inquiry into the nature and extent of the reserved powers of a state, and the means which they afford of resistance against the encroachments of the General Government, which has been pursued with so much zeal and energy, and, I may add, intelligence. Never was there a political discussion carried on with greater activity, and which appealed more directly to the intelligence of a community. Throughout the whole, no address has been made to the low and vulgar passions; but, on the contrary, the discussion has turned upon the higher principles of political economy, connected with the operations of the tariff system, calculated to show its real bearing on the interests of the state, and on the structure of our political system; and to show the true character of the relations between the state and the General Government, and the means which the states possess of defending those powers which they reserved in forming the Federal Government.

In this great canvass, men of the most commanding talents and acquirements have engaged with the greatest ardor; and the people have been addressed through every channel—by essays in the public press, and by speeches in their public assemblies—until they have become thoroughly instructed on the nature of the oppression, and

on the rights which they possess, under the Constitution, to throw it off.

If gentlemen suppose that the stand taken by the people of Carolina rests on passion and delusion, they are wholly mistaken. The case is far otherwise. No community, from the legislator to the ploughman, were ever better instructed in their rights; and the resistance on which the state has resolved is the result of mature reflection, accompanied with a deep conviction that their rights have been violated, and that the means of redress which they have adopted are consistent with the principles of the Constitution.

But while this active canvass was carried on, which looked to the reserved powers as the final means of redress if all others failed, the state at the same time cherished a hope, as I have already stated, that the election of General Jackson to the presidency would prevent the necessity of a resort to extremities. He was identified with the interests of the staple states; and, having the same interests, it was believed that his great popularity—a popularity of the strongest character, as it rested on military services—would enable him, as they hoped, gradually to bring down the system of protection, without shock or injury to any interest. Under these views, the canvass in favor of General Jackson's election to the presidency was carried on with great zeal, in conjunction with that active inquiry into the reserved powers of the states on which final reliance was placed. But little did the people of Carolina dream that the man whom they were thus striving to elevate to the highest seat of power would disappoint all their hopes. Man is, indeed, ignorant of the future; nor was there ever a stronger illustration of the observation than is afforded by the result of that election! The very event on which they had built their hopes has been turned against them, and the very individual to whom they looked as a deliverer, and whom, under that impression, they strove for so many years to elevate to power, is now the most powerful instrument in the hands of his and their bitterest opponents to put down them and their cause!

Scarcely had he been elected, when it became apparent, from the organization of his cabinet, and other indications, that all their expectations of relief through him were blasted. The admission of a single individual into the cabinet, under the circumstances which accompanied that admission, threw all into confusion. The mischievous influence over the President, through which this individual was admitted into the cabinet, soon became apparent. Instead of turning his eyes forward to

the period of the payment of the public debt, which was then near at hand, and to the present dangerous political crisis, which was inevitable unless averted by a timely and wise system of measures, the attention of the President was absorbed by mere party arrangements, and circumstances too disreputable to be mentioned here, except by the most distant allusion.

Here I must pause for a moment to repel a charge which has been so often made, and which even the President has reiterated in his proclamation—the charge that I have been actuated, in the part which I have taken, by feelings of disappointed ambition. I again repeat, that I deeply regret the necessity of noticing myself in so important a discussion; and that nothing can induce me to advert to my own course but the conviction that it is due to the cause, at which a blow is aimed through me. It is only in this view that I notice it.

It illy became the chief magistrate to make this charge. The course which the state took, and which led to the present controversy between her and the General Government, was taken as far back as 1828—in the very midst of that severe canvass which placed him in power—and in that very canvass Carolina openly avowed and zealously maintained those very principles which he, the chief magistrate, now officially pronounces to be treason and rebellion. That was the period at which he ought to have spoken. Having remained silent then, and having, under his approval, implied by that silence, received the support and the vote of the state, I, if a sense of decorum did not prevent it, might recriminate with the double charge of deception and ingratitude. My object, however, is not to assail the President, but to defend myself against a most unfounded charge. The time alone at which the course upon which this charge of *disappointed ambition* is founded, will of itself repel it, in the eye of every unprejudiced and honest man. The doctrine which I now sustain, under the present difficulties, I openly avowed and maintained immediately after the act of 1828, that "bill of abominations," as it has been so often and properly termed. Was I at that period disappointed in any views of ambition which I might be supposed to entertain? I was Vice-president of the United States, elected by an overwhelming majority. I was a candidate for re-election on the ticket with General Jackson himself, with a certain prospect of a triumphant success of that ticket, and with a fair prospect of the highest office to which an American citizen can aspire. What was my course under these prospects? Did I look to my own advancement, or to an honest and faithful discharge

of my duty? Let facts speak for themselves. When the bill to which I have referred came from the other house to the Senate, the almost universal impression was, that its fate would depend upon my casting vote. It was known that, as the bill then stood, the Senate was nearly equally divided; and as it was a combined measure, originating with the politicians and manufacturers, and intended as much to bear upon the Presidential election as to protect manufactures, it was believed that, as a stroke of political policy, its fate would be made to depend on my vote, in order to defeat General Jackson's election, as well as my own. The friends of General Jackson were alarmed, and I was earnestly entreated to leave the chair in order to avoid the responsibility, under the plausible argument that, if the Senate should be equally divided, the bill would be lost without the aid of my casting vote. The reply to this entreaty was, that no consideration personal to myself could induce me to take such a course; that I considered the measure as of the most dangerous character, and calculated to produce the most fearful crisis; that the payment of the public debt was just at hand; and that the great increase of revenue which it would pour into the treasury would accelerate the approach of that period, and that the country would be placed in the most trying of situations—with an immense revenue without the means of absorption upon any legitimate or constitutional object of appropriation, and would be compelled to submit to all the corrupting consequences of a large surplus, or to make a sudden reduction of the rates of duties, which would prove ruinous to the very interests which were then forcing the passage of the bill. Under these views I determined to remain in the chair, and if the bill came to me, to give my casting vote against it, and in doing so, to give my reasons at large; but at the same time I informed my friends that I would retire from the ticket, so that the election of General Jackson might not be embarrassed by any act of mine Sir, I was amazed at the folly and infatuation of that period. So completely absorbed was Congress in the game of ambition and avarice, from the double impulse of the manufacturers and politicians, that none but a few appeared to anticipate the present crisis, at which now all are alarmed, but which is the inevitable result of what was then done. As to myself, I clearly foresaw what has since followed. The road of ambition lay open before me—I had but to follow the corrupt tendency of the times—but I chose to tread the rugged path of duty.

It was thus that the reasonable hope of relief through the election of

General Jackson was blasted; but still one other hope remained, that the final discharge of the public debt—an event near at hand—would remove our burden. That event would leave in the treasury a large surplus; a surplus that could not be expended under the most extravagant schemes of appropriation, having the least color of decency or constitutionality. That event at last arrived. At the last session of Congress, it was avowed on all sides that the public debt, for all practical purposes, was in fact paid, the small surplus remaining being nearly covered by the money in the treasury and the bonds for duties, which had already accrued; but with the arrival of this event our last hope was doomed to be disappointed. After a long session of many months, and the most earnest effort on the part of South Carolina and the other Southern States to obtain relief, all that could be effected was a small reduction in the amount of the duties; but a reduction of such a character, that, while it diminished the amount of burden, distributed that burden more unequally than even the obnoxious act of 1828; reversing the principle adopted by the bill of 1816, of laying higher duties on the unprotected than the protected articles, by repealing almost entirely the duties laid upon the former, and imposing the burden almost entirely on the latter. It was thus that instead of relief—instead of an equal distribution of the burdens and benefits of the government, on the payment of the debt, as had been fondly anticipated—the duties were so arranged as to be, in fact, bounties on one side and taxation on the other; thus placing the two great sections of the country in direct conflict in reference to its fiscal action, and thereby letting in that flood of political corruption which threatens to sweep away our Constitution and our liberty.

This unequal and unjust arrangement was pronounced, both by the administration, through its proper organ, the secretary of the treasury, and by the opposition, to be a *permanent* adjustment; and it was thus that all hope of relief through the action of the General Government terminated, and the crisis so long apprehended at length arrived, at which the state was compelled to choose between absolute acquiescence in a ruinous system of oppression, or a resort to her reserved powers—powers of which she alone was the rightful judge, and which only, in this momentous juncture, can save her. She determined on the latter.

The consent of two thirds of her Legislature was necessary for the call of a convention, which was considered the only legitimate organ through which the people, in their sovereignty, could speak. After an arduous struggle, the State Rights party succeeded: more than two

thirds of both branches of the Legislature favorable to a convention were elected; a convention was called—the ordinance adopted. The convention was succeeded by a meeting of the Legislature, when the laws to carry the ordinance into execution were enacted: all of which have been communicated by the President, have been referred to the Committee on the Judiciary, and this bill is the result of their labor.

Having now corrected some of the prominent misrepresentations as to the nature of this controversy, and given a rapid sketch of the movement of the state in reference to it, I will next proceed to notice some objections connected with the ordinance and the proceedings under it.

The first and most prominent of these is directed against what is called the test oath, which an effort has been made to render odious. So far from deserving the denunciation which has been levelled against it, I view this provision of the ordinance as but the natural result of the doctrines entertained by the state, and the position which she occupies. The people of the state believe that the Union is a union of states, and not of individuals; that it was formed by the states, and that the citizens of the several states were bound to it through the acts of their several states; that each state ratified the Constitution for itself, and that it was only by such ratification of a state that any obligation was imposed upon the citizens: thus believing, it is the opinion of the people of Carolina that it belongs to the state which has imposed the obligation to declare, in the last resort, the extent of this obligation, as far as her citizens are concerned; and this upon the plain principles which exist in all analogous cases of compact between sovereign bodies. On this principle, the people of the state, acting in their sovereign capacity in convention, precisely as they adopted their own and the federal Constitution, have declared by the ordinance, that the acts of Congress which imposed duties under the authority to lay imposts, are acts, not for revenue, as intended by the Constitution, but for protection, and therefore null and void. The ordinance thus enacted by the people of the state themselves, acting as a sovereign community, is as obligatory on the citizens of the state as any portion of the Constitution. In prescribing, then, the oath to obey the ordinance, no more was done than to prescribe an oath to obey the Constitution. It is, in fact, but a particular oath of allegiance, and in every respect similar to that which is prescribed under the Constitution of the United States, to be administered to all the officers of the State and Federal Governments; and is no more deserving the harsh and bitter epithets which have been heaped

upon it than that, or any similar oath. It ought to be borne in mind, that, according to the opinion which prevails in Carolina, the right of resistance to the unconstitutional laws of Congress belongs to the state, and not to her individual citizens; and that, though the latter may, in a mere question of *meum* and *tuum*, resist, through the courts, an unconstitutional encroachment upon their rights, yet the final stand against usurpation rests not with them, but with the state of which they are members; and such act of resistance by a state binds the conscience and allegiance of the citizen. But there appears to be a general misapprehension as to the extent to which the state has acted under this part of the ordinance. Instead of sweeping every officer by a general proscription of the minority, as has been represented in debate, as far as my knowledge extends, not a single individual has been removed. The state has, in fact, acted with the greatest tenderness, all circumstances considered, towards citizens who differed from the majority; and, in that spirit, has directed the oath to be administered only in cases of some official act directed to be performed in which obedience to the ordinance is involved.

It has been farther objected that the state has acted precipitately. What! precipitately! after making a strenuous resistance for twelve years—by discussion here and in the other house of Congress—by essays in all forms—by resolutions, remonstrances, and protests on the part of her Legislature—and, finally, by attempting an appeal to the judicial power of the United States? I say attempting, for they have been prevented from bringing the question fairly before the court, and that by an act of that very majority in Congress who now upbraid them for not making that appeal; of that majority who, on a motion of one of the members in the other house from South Carolina, refused to give to the act of 1828 its true title—that it was a *protective*, and not a *revenue* act. The state has never, it is true, relied upon that tribunal, the Supreme Court, to vindicate its reserved rights; yet they have always considered it as an auxiliary means of defence, of which they would gladly have availed themselves to test the constitutionality of protection, had they not been deprived of the means of doing so by the act of the majority.

Notwithstanding this long delay of more than ten years, under this continued encroachment of the government, we now hear it on all sides, by friends and foes, gravely pronounced that the state has acted precipitately—that her conduct has been rash! That such should be the

language of an interested majority, who, by means of this unconstitutional and oppressive system, are annually extorting millions from the South to be bestowed upon other sections, is not at all surprising. Whatever impedes the course of avarice and ambition will ever be denounced as rash and precipitate; and had South Carolina delayed her resistance fifty instead of twelve years, she would have heard from the same quarter the same language; but it is really surprising that those who are suffering in common with herself, and who have complained equally loud of their grievances, who have pronounced the very acts which she has asserted within *her* limits to be oppressive, unconstitutional, and ruinous, after so long a struggle—a struggle longer than that which preceded the separation of these states from the mother-country—longer than the period of the Trojan war—should now complain of precipitancy! No, it is not Carolina which has acted precipitately; but her sister states, who have suffered in common with her, have acted tardily. Had they acted as she has done, had they performed their duty with equal energy and promptness, our situation this day would be very different from what we now find it. Delays are said to be dangerous; and never was the maxim more true than in the present case, a case of monopoly. It is the very nature of monopolies to grow. If we take from one side a large portion of the proceeds of its labor and give it to the other, the side from which we take must constantly decay, and that to which we give must prosper and increase. Such is the action of the protective system. It exacts from the South a large portion of the proceeds of its industry, which it bestows upon the other sections, in the shape of bounties to manufactures, and appropriations in a thousand forms; pensions, improvement of rivers and harbors, roads and canals, and in every shape that wit or ingenuity can devise. Can we, then, be surprised that the principle of monopoly grows, when it is so amply remunerated at the expense of those who support it? And this is the real reason of the fact which we witness, that all acts for protection pass with small minorities, but soon come to be sustained by great and overwhelming majorities. Those who seek the monopoly endeavor to obtain it in the most exclusive shape; and they take care, accordingly, to associate only a sufficient number of interests barely to pass it through the two houses of Congress, on the plain principle that the greater the number from whom the monopoly takes, and the fewer on whom it bestows, the greater is the advantage to the monopolists. Acting in this spirit, we

have often seen with what exact precision they count: adding wool to woollens, associating lead and iron, feeling their way, until a bare majority is obtained, when the bill passes, connecting just as many interests as are sufficient to ensure its success, and no more. In a short time, however, we have invariably found that this *lean* becomes a decided majority, under the certain operation which compels individuals to desert the pursuits which the monopoly has rendered unprofitable, that they may participate in those pursuits which it has rendered profitable. It is against this dangerous and growing disease which South Carolina has acted: a disease whose cancerous action would soon have spread to every part of the system, if not arrested.

There is another powerful reason why the action of the state could not have been safely delayed. The public debt, as I have already stated, for all practical purposes, has already been paid; and, under the existing duties, a large annual surplus of many millions must come into the treasury. It is impossible to look at this state of things without seeing the most mischievous consequences; and, among others, if not speedily corrected, it would interpose powerful and almost insuperable obstacles to throwing off the burden under which the South has been so long laboring. The disposition of the surplus would become a subject of violent and corrupt struggle, and could not fail to rear up new and powerful interests in support of the existing system, not only in those sections which have been heretofore benefited by it, but even in the South itself. I cannot but trace to the anticipation of this state of the treasury the sudden and extraordinary movements which took place at the last session in the Virginia Legislature, in which the whole South is vitally interested.* It is impossible for any rational man to believe that that state could seriously have thought of effecting the scheme to which I allude by her own resources, without powerful aid from the General Government.

It is next objected, that the enforcing acts have legislated the United States out of South Carolina. I have already replied to this objection on another occasion, and will now but repeat what I then said: that they have been legislated out only to the extent that they had no right to enter. The Constitution has admitted the jurisdiction of the United States within the limits of the several states only so far as the delegated powers authorize; beyond that they are intruders, and may

* Having for their object the emancipation and colonization of slaves.

rightfully be expelled; and that they have been efficiently expelled by the legislation of the state through her civil process, as has been acknowledged on all sides in the debate, is only a confirmation of the truth of the doctrine for which the majority in Carolina have contended.

The very point at issue between the two parties there is, whether nullification is a peaceable and an efficient remedy against an unconstitutional act of the General Government, and which may be asserted as such through the state tribunals. Both parties agree that the acts against which it is directed are unconstitutional and oppressive. The controversy is only as to the means by which our citizens may be protected against the acknowledged encroachments on their rights. This being the point at issue between the parties, and the very object of the majority being an efficient protection of the citizens through the state tribunals, the measures adopted to enforce the ordinance of course received the most decisive character. We were not children, to act by halves. Yet for acting thus efficiently the state is denounced, and this bill reported, to overrule, by military force, the civil tribunals and civil process of the state! Sir, I consider this bill, and the arguments which have been urged on this floor in its support, as the most triumphant acknowledgment that nullification is peaceful and efficient, and so deeply intrenched in the principles of our system, that it cannot be assailed but by prostrating the Constitution, and substituting the supremacy of military force in lieu of the supremacy of the laws. In fact, the advocates of this bill refute their own argument. They tell us that the ordinance is unconstitutional; that they infract the Constitution of South Carolina, although, to me, the objection appears absurd, as it was adopted by the very authority which adopted the Constitution itself. They also tell us that the Supreme Court is the appointed arbiter of all controversies between a state and the General Government. Why, then, do they not leave this controversy to that tribunal? Why do they not confide to them the abrogation of the ordinance, and the laws made in pursuance of it, and the assertion of that supremacy which they claim for the laws of Congress? The state stands pledged to resist no process of the court. Why, then, confer on the President the extensive and unlimited powers provided in this bill? Why authorize him to use military force to arrest the civil process of the state? But one answer can be given: That, in a contest between the state and the General Government, if the resistance be limited on both

sides to the civil process, the state, by its inherent sovereignty, standing upon its reserved powers, will prove too powerful in such a controversy, and must triumph over the Federal Government, sustained by its delegated and limited authority; and in this answer we have an acknowledgment of the truth of those great principles for which the state has so firmly and nobly contended.

Having made these remarks, the great question is now presented, Has Congress the right to pass this bill? which I will next proceed to consider. The decision of this question involves the inquiry into the provisions of the bill. What are they? It puts at the disposal of the President the army and navy, and the entire militia of the country; it enables him, at his pleasure, to subject every man in the United States, not exempt from militia duty, to martial law: to call him from his ordinary occupation to the field, and under the penalty of fine and imprisonment, inflicted by a court-martial, to compel him to imbrue his hand in his brothers' blood. There is no limitation on the power of the sword, and that over the purse is equally without restraint; for, among the extraordinary features of the bill, it contains no appropriation, which, under existing circumstances, is tantamount to an unlimited appropriation. The President may, under its authority, incur any expenditure, and pledge the national faith to meet it. He may create a new national debt, at the very moment of the termination of the former—a debt of millions, to be paid out of the proceeds of the labor of that section of the country whose dearest constitutional rights this bill prostrates! Thus exhibiting the extraordinary spectacle, that the very section of the country which is urging this measure, and carrying the sword of devastation against us, are, at the same time, incurring a new debt, to be paid by those whose rights are violated; while those who violate them are to receive the benefits, in the shape of bounties and expenditures.

And for what purpose is the unlimited control of the purse and of the sword thus placed at the disposition of the executive? To make war against one of the free and sovereign members of this confederation, which the bill proposes to deal with, not as a state, but as a collection of banditti or outlaws. Thus exhibiting the impious spectacle of this government, the creature of the states, making war against the power to which it owes its existence.

The bill violates the Constitution, plainly and palpably, in many of its provisions, by authorizing the President, at his pleasure, to place the

different ports of this Union on an unequal footing, contrary to that provision of the Constitution which declares that no preference shall be given to one port over another. It also violates the Constitution by authorizing him, at his discretion, to impose cash duties on one port, while credit is allowed in others; by enabling the President to regulate commerce, a power vested in Congress alone; and by drawing within the jurisdiction of the United States courts powers never intended to be conferred on them. As great as these objections are, they become insignificant in the provisions of a bill which, by a single blow—by treating the states as a mere lawless mass of individuals—prostrates all the barriers of the Constitution. I will pass over the minor considerations, and proceed directly to the great point. This bill proceeds on the ground that the entire sovereignty of this country belongs to the American people, as forming one great community, and regards the states as mere fractions or counties, and not as an integral part of the Union: having no more right to resist the encroachments of a government than a county has to resist the authority of a state; and treating such resistance as the lawless acts of so many individuals, without possessing sovereignty or political rights. It has been said that the bill declares war against South Carolina. No. It decrees a massacre of her citizens! War has something ennobling about it, and, with all its horrors, brings into action the highest qualities, intellectual and moral. It was, perhaps, in the order of Providence that it should be permitted for that very purpose. But this bill declares no war, except, indeed, it be that which savages wage—a war, not against the community, but the citizens of whom that community is composed. But I regard it as worse than *savage* warfare—as an attempt to take away life under the color of law, without the trial by jury, or any other safeguard which the Constitution has thrown around the life of the citizen! It authorizes the President, or even his deputies, when they may suppose the law to be violated, without the intervention of a court or jury, to kill without mercy or discrimination.

It has been said by the senator from Tennessee (Mr. Grundy) to be a measure of peace! Yes, such peace as the wolf gives to the lamb—the kite to the dove. Such peace as Russia gives to Poland, or death to its victim! A peace, by extinguishing the political existence of the state, by awing her into an abandonment of the exercise of every power which constitutes her a sovereign community. It is to South Carolina a question of self-preservation; and I proclaim it, that should this bill

pass, and an attempt be made to enforce it, it will be resisted at every hazard—even that of death itself. Death is not the greatest calamity: there are others still more terrible to the free and brave, and among them may be placed the loss of liberty and honor. There are thousands of her brave sons who, if need be, are prepared cheerfully to lay down their lives in defence of the state, and the great principles of constitutional liberty for which she is contending. God forbid that this should become necessary! It never can be, unless this government is resolved to bring the question to extremity, when her gallant sons will stand prepared to perform the last duty—to die nobly.

I go on the ground that this Constitution was made by the states; that it is a federal union of the states, in which the several states still retain their sovereignty. If these views be correct, I have not characterized the bill too strongly, which presents the question whether they be or not. I will not enter into the discussion of that question now. I will rest it, for the present, on what I have said on the introduction of the resolutions now on the table, under a hope that another opportunity will be afforded for more ample discussion. I will, for the present, confine my remarks to the objections which have been raised to the views which I presented when I introduced them. The authority of Luther Martin has been adduced by the senator from Delaware, to prove that the citizens of a state, acting under the authority of a state, are liable to be punished as traitors by this government. As eminent as Mr. Martin was as a lawyer, and as high as his authority may be considered on a legal point, I cannot accept it in determining the point at issue. The attitude which he occupied, if taken into view, would lessen, if not destroy, the weight of his authority. He had been violently opposed in Convention to the Constitution, and the very letter from which the senator has quoted was intended to dissuade Maryland from its adoption. With this view, it was to be expected that every consideration calculated to effect that object should be urged; that real objections should be exaggerated; and that those having no foundation, except mere plausible deductions, should be presented. It is to this spirit that I attribute the opinion of Mr. Martin in reference to the point under consideration. But if his authority be good on one point, it must be admitted to be equally so on another. If his opinion be sufficient to prove that a citizen of the state may be punished as a traitor when acting under allegiance to the state, it is also sufficient to show that no authority was intended to be given in the Constitution for the protection

of manufactures by the General Government, and that the provision in the Constitution permitting a state to lay an impost duty, with the consent of Congress, was intended to reserve the right of protection to the states themselves, and that each state should protect its own industry. Assuming his opinion to be of equal authority on both points, how embarrassing would be the attitude in which it would place the senator from Delaware, and those with whom he is acting—that of using the sword and the bayonet to enforce the execution of an unconstitutional act of Congress. I must express my surprise that the slightest authority in favor of *power* should be received as the most conclusive evidence, while that which is, at least, equally strong in favor of right and *liberty*, is wholly overlooked or rejected.

Notwithstanding all that has been said, I must say that neither the senator from Delaware (Mr. Clayton), nor any other who has spoken on the same side, has directly and fairly met the great questions at issue: Is this a federal union? a union of states, as distinct from that of individuals? Is the sovereignty in the several states, or in the American people in the aggregate? The very language which we are compelled to use, when speaking of our political institutions, affords proof conclusive as to its real character. The terms union, federal, united, all imply a combination of sovereignties, a confederation of states. They are never applied to an association of individuals. Who ever heard of the United State of New York, of Massachusetts, or of Virginia? Who ever heard the term federal or union applied to the aggregation of individuals into one community? Nor is the other point less clear—that the sovereignty is in the several states, and that our system is a union of twenty-four sovereign powers, under a constitutional compact, and not of a divided sovereignty between the states severally and the United States. In spite of all that has been said, I maintain that sovereignty is in its nature indivisible. It is the supreme power in a state, and we might just as well speak of half a square, or half of a triangle, as of half a sovereignty. It is a gross error to confound the *exercise* of sovereign powers with *sovereignty* itself, or the *delegation* of such powers with a *surrender* of them. A sovereign may delegate his powers to be exercised by as many agents as he may think proper, under such conditions and with such limitations as he may impose; but to surrender any portion of his sovereignty to another is to annihilate the whole. The senator from Delaware (Mr. Clayton) calls this metaphysical reasoning, which, he says, he cannot comprehend. If by metaphysics he means

that scholastic refinement which makes distinctions without difference, no one can hold it in more utter contempt than I do; but if, on the contrary, he means the power of analysis and combination—that power which reduces the most complex idea into its elements, which traces causes to their first principle, and, by the power of generalization and combination, unites the whole in one harmonious system—then, so far from deserving contempt, it is the highest attribute of the human mind. It is the power which raises man above the brute—which distinguishes his faculties from mere sagacity, which he holds in common with inferior animals. It is this power which has raised the astronomer from being a mere gazer at the stars to the high intellectual eminence of a Newton or Laplace, and astronomy itself from a mere observation of insulated facts into that noble science which displays to our admiration the system of the universe. And shall this high power of the mind, which has effected such wonders when directed to the laws which control the material world, be forever prohibited, under a senseless cry of metaphysics, from being applied to the high purpose of political science and legislation? I hold them to be subject to laws as fixed ac matter itself, and to be as fit a subject for the application of the highest intellectual power. Denunciation may, indeed, fall upon the philosophical inquirer into these first principles, as it did upon Galileo and Bacon when they first unfolded the great discoveries which have immortalized their names; but the time will come when truth will prevail in spite of prejudice and denunciation, and when politics and legislation will be considered as much a science as astronomy and chemistry.

In connection with this part of the subject, I understood the senator from Virginia (Mr. Rives) to say that sovereignty was divided, and that a portion remained with the states severally, and that the residue was vested in the Union. By Union, I suppose the senator meant the United States. If such be his meaning—if he intended to affirm that the sovereignty was in the twenty-four states, in whatever light he may view them, our opinions will not disagree; but, according to my conception, the whole sovereignty is in the several states, while the exercise of sovereign powers is divided—a part being exercised under compact, through this General Government, and the residue through the separate state governments. But if the senator from Virginia (Mr. Rives) means to assert that the twenty four states form but one community, with a single sovereign power as to the objects of the Union, it will be but the revival of the old question, of whether the Union is a union

between states, as distinct communities, or a mere aggregate of the American people, as a mass of individuals; and in this light his opinions would lead directly to consolidation.

But to return to the bill. It is said that the bill ought to pass, because the law must be enforced. The law must be enforced. The imperial edict must be executed. It is under such sophistry, couched in general terms, without looking to the limitations which must ever exist in the practical exercise of power, that the most cruel and despotic acts ever have been covered. It was such sophistry as this that cast Daniel into the lion's den, and the three Innocents into the fiery furnace. Under the same sophistry the bloody edicts of Nero and Caligula were executed. The law must be enforced. Yes, the act imposing the "tea-tax must be executed." This was the very argument which impelled Lord North and his administration in that mad career which forever separated us from the British crown. Under a similar sophistry, "that religion must be protected," how many massacres have been perpetrated? and how many martyrs have been tied to the stake? What! acting on this vague abstraction, are you prepared to enforce a law without considering whether it be just or unjust, constitutional or unconstitutional? Will you collect money when it is acknowledged that it is not wanted? He who earns the money, who digs it from the earth with the sweat of his brow, has a just title to it against the universe. No one has a right to touch it without his consent except his government, and it only to the extent of its legitimate wants; to take more is robbery, and you propose by this bill to enforce robbery by murder. Yes: to this result you must come, by this miserable sophistry, this vague abstraction of enforcing the law, without a regard to the fact whether the law be just or unjust, constitutional or unconstitutional.

In the same spirit, we are told that the Union must be preserved, without regard to the means. And how is it proposed to preserve the Union? By force! Does any man in his senses believe that this beautiful structure—this harmonious aggregate of states, produced by the joint consent of all—can be preserved by force? Its very introduction will be certain destruction of this Federal Union. No, no. You cannot keep the states united in their constitutional and federal bonds by force. Force may, indeed, hold the parts together, but such union would be the bond between master and slave: a union of exaction on one side, and of unqualified *obedience* on the other. That *obedience* which, we are told by the senator from Pennsylvania (Mr. Wilkins), is

the Union! Yes, exaction on the side of the master; for this very bill is intended to collect what can be no longer called taxes—the voluntary contribution of a free people—but tribute—tribute to be collected under the mouths of the cannon! Your custom-house is already transferred to a garrison, and that garrison with its batteries turned, not against the enemy of your country, but on subjects (I will not say citizens), on whom you propose to levy contributions. Has reason fled from our borders? Have we ceased to reflect? It is madness to suppose that the Union can be preserved by force. I tell you plainly, that the bill, should it pass, cannot be enforced. It will prove only a blot upon your statute-book, a reproach to the year, and a disgrace to the American Senate. I repeat that it will not be executed: it will rouse the dormant spirit of the people, and open their eyes to the approach of despotism. The country has sunk into avarice and political corruption, from which nothing can arouse it but some measure, on the part of the government, of folly and madness, such as that now under consideration.

Disguise it as you may, the controversy is one between power and liberty; and I will tell the gentlemen who are opposed to me, that, as strong as may be the love of power on their side, the love of liberty is still stronger on ours. History furnishes many instances of similar struggles where the love of liberty has prevailed against power under every disadvantage, and among them few more striking than that of our own Revolution; where, as strong as was the parent country, and feeble as were the colonies, yet, under the impulse of liberty, and the blessing of God, they gloriously triumphed in the contest. There are, indeed, many and striking analogies between that and the present controversy: they both originated substantially in the same cause, with this difference, that, in the present case, the power of taxation is converted into that of regulating industry; in that, the power of regulating industry, by the regulation of commerce, was attempted to be converted into the power of taxation. Were I to trace the analogy farther, we should find that the perversion of the taxing power, in one case, has given precisely the same control to the Northern section over the industry of the Southern section of the Union, which the power to regulate commerce gave to Great Britain over the industry of the colonies; and that the very articles in which the colonies were permitted to have a free trade, and those in which the mother-country had a monopoly, are almost identically the same as those in which the Southern States are permitted to have a free trade by the act of 1832, and in which the Nor-

thern States have, by the same act, secured a monopoly: the only difference is in the means. In the former, the colonies were permitted to have a free trade with all countries south of Cape Finistèrre, a cape in the northern part of Spain; while north of that the trade of the colonies was prohibited, except through the mother-country, by means of her commercial regulations. If we compare the products of the country north and south of Cape Finistèrre, we shall find them almost identical with the list of the protected and unprotected articles contained in the act of last year. Nor does the analogy terminate here. The very arguments resorted to at the commencement of the American Revolution, and the measures adopted, and the motives assigned to bring on that contest (to enforce the law), are almost identically the same.

But to return from this digression to the consideration of the bill. Whatever difference of opinion may exist upon other points, there is one on which I should suppose there can be none: that this bill rests on principles which, if carried out, will ride over state sovereignties, and that it will be idle for any of its advocates hereafter to talk of state rights. The senator from Virginia (Mr. Rives) says that he is the advocate of state rights; but he must permit me to tell him that, although he may differ in premises from the other gentlemen with whom he acts on this occasion, yet in supporting this bill he obliterates every vestige of distinction between him and them, saving only that, professing the principles of '98, his example will be more pernicious than that of the most open and bitter opponents of the rights of the states. I will also add, what I am compelled to say, that I must consider him (Mr. Rives) as less consistent than our old opponents, whose conclusions were fairly drawn from their premises, while his premises ought to have led him to opposite conclusions. The gentleman has told us that the new-fangled doctrines, as he chooses to call them, have brought state rights into disrepute. I must tell him, in reply, that what he calls new-fangled are but the doctrines of '98; and that it is he (Mr. Rives), and others with him, who, professing these doctrines, have degraded them by explaining away their meaning and efficacy. He (Mr. R.) has disclaimed, in behalf of Virginia, the authorship of nullification. I will not dispute that point. If Virginia chooses to throw away one of her brightest ornaments, she must not hereafter complain that it has become the property of another. But while I have, as a representative of Carolina, no right to complain of the disavowal of the senator from Virginia, I must believe that he (Mr. R.) has done his native state great injustice by declaring on this

floor that, when she gravely resolved, in '98, that, "in cases of deliberate and dangerous infractions of the Constitution, the states, as parties to the compact, have the right, and are in duty bound, to interpose to arrest the progress of the evil, and to maintain within their respective limits the authorities, rights, and liberties appertaining to them," she meant no more than to ordain the right to protest and to remonstrate. To suppose that, in putting forth so solemn a declaration, which she afterward sustained by so able and elaborate an argument, she meant no more than to assert what no one had ever denied, would be to suppose that the state had been guilty of the most egregious trifling that ever was exhibited on so solemn an occasion.

In reviewing the ground over which I have passed, it will be apparent that the question in controversy involves that most deeply important of all political questions, whether ours is a federal or a consolidated government: a question, on the decision of which depend, as I solemnly believe, the liberty of the people, their happiness, and the place which we are destined to hold in the moral and intellectual scale of nations. Never was there a controversy in which more important consequences were involved: not excepting that between Persia and Greece, decided by the battles of Marathon, Platea, and Salamis; which gave ascendency to the genius of Europe over that of Asia; and which, in its consequences, has continued to affect the destiny of so large a portion of the world even to this day. There are often close analogies between events apparently very remote, which are strikingly illustrated in this case. In the great contest between Greece and Persia, between European and Asiatic policy and civilization, the very question between the federal and consolidated form of government was involved. The Asiatic governments, from the remotest time, with some exceptions on the eastern shore of the Mediterranean, have been based on the principle of consolidation, which considers the whole community as but a unit, and consolidates its powers in a central point. The opposite principle has prevailed in Europe—Greece, throughout all her states, was based on a federal system. All were united in one common, but loose bond, and the governments of the several states partook, for the most part, of a complex organization, which distributed political power among different members of the community. The same principles prevailed in ancient Italy; and, if we turn to the Teutonic race, our great ancestors—the race which occupies the first place in power, civilization, and science, and which possesses the largest and the fairest part of Europe—we

shall find that their governments were based on the federal organization, as has been clearly illustrated by a recent and able writer on the British Constitution (Mr. Palgrave), from whose writings I introduce the following extract:

"In this manner the first establishment of the Teutonic States was effected. They were assemblages of septs, clans, and tribes; they were confederated hosts and armies, led on by princes, magistrates, and chieftains; each of whom was originally independent, and each of whom lost a portion of his pristine independence in proportion as he and his compeers became united under the supremacy of a sovereign, who was superinduced upon the state, first as a military commander, and afterward as a king. Yet, notwithstanding this political connection, each member of the state continued to retain a considerable portion of the rights of sovereignty. Every ancient Teutonic monarchy must be considered as a federation: it is not a unit, of which the smaller bodies politic therein contained are the fractions, but they are the integers, and the state is the multiple which results from them. Dukedoms and counties, burghs and baronies, towns and townships, and shires, form the kingdom; all, in a certain degree, strangers to each other, and separate in jurisdiction, though all obedient to the supreme executive authority. This general description, though not always strictly applicable in terms, is always so substantially and in effect; and hence it becomes necessary to discard the language which has been very generally employed in treating on the English Constitution. It has been supposed that the kingdom was reduced into a regular and gradual subordination of government, and that the various legal districts of which it is composed arose from the divisions and subdivisions of the country. But this hypothesis, which tends greatly to perplex our history, cannot be supported by fact; and instead of viewing the Constitution as a whole, and then proceeding to its parts, we must examine it synthetically, and assume that the supreme authorities of the state were created by the concentration of the powers originally belonging to the members and corporations of which it is composed." [Here Mr. C. gave way for a motion to adjourn.]

On the next day Mr. Calhoun said, I have omitted at the proper place, in the course of my observations yesterday, two or three points, to which I will now advert, before I resume the discussion where I left off. I have stated that the ordinance and acts of South Carolina were directed, not against the revenue, but against the system of protection.

But it may be asked, If such was her object, how happens it that she has declared the whole system void—revenue as well as protection, without discrimination? It is this question which I propose to answer. Her justification will be found in the necessity of the case; and if there be any blame, it cannot attach to her. The two are so blended, throughout the whole, as to make the entire revenue system subordinate to the protective, so as to constitute a complete system of protection, in which it is impossible to discriminate the two elements of which it is composed. South Carolina, at least, could not make the discrimination, and she was reduced to the alternative of acquiescing in a system which she believed to be unconstitutional, and which she felt to be oppressive and ruinous, or to consider the whole as one, equally contaminated through all its parts, by the unconstitutionality of the protective portion, and, as such, to be resisted by the act of the state. I maintain that the state has a right to regard it in the latter character, and that, if a loss of revenue follow, the fault is not hers, but of this government, which has improperly blended together, in a manner not to be separated by the state, two systems wholly dissimilar. If the sincerity of the state be doubted; if it be supposed that her action is against revenue as well as protection, let the two be separated: let so much of the duties as are intended for revenue be put in one bill, and the residue intended for protection be put in another, and I pledge myself that the ordinance and the acts of the state will cease as to the former, and be directed exclusively against the latter.

I also stated, in the course of my remarks yesterday, and I trust I have conclusively shown, that the act of 1816, with the exception of a single item, to which I have alluded, was, in reality, a revenue measure, and that Carolina and the other states, in supporting it, have not incurred the slightest responsibility in relation to the system of protection which has since grown up, and which now so deeply distracts the country. Sir, I am willing, as one of the representatives of Carolina, and I believe I speak the sentiment of the state, to take that act as the basis of a permanent adjustment of the tariff, simply reducing the duties, in an average proportion, on all the items to the revenue point. I make that offer now to the advocates of the protective system; but I must, in candor, inform them that such an adjustment would distribute the revenue between the protected and unprotected articles more favorable to the state, and to the South, and less so to the manufacturing interest, than an average uniform ad valorem, and, accordingly, more so than

that now proposed by Carolina through her convention. After such an offer, no man who values his candor will dare accuse the state, or those who have represented her here, with inconsistency in reference to the point under consideration.

I omitted, also, on yesterday, to notice a remark of the senator from Virginia (Mr. Rives), that the only difficulty in adjusting the tariff grew out of the ordinance and the acts of South Carolina. I must attribute an assertion so inconsistent with the facts to an ignorance of the occurrences of the last few years in reference to this subject, occasioned by the absence of the gentleman from the United States, to which he himself has alluded in his remarks. If the senator will take pains to inform himself, he will find that this protective system advanced with a continued and rapid step, in spite of petitions, remonstrances, and protests, of not only Carolina, but also of Virginia and of all the Southern States, until 1828, when Carolina, for the first time, changed the character of her resistance, by holding up her reserved rights as the shield of her defence against farther encroachment. This attitude alone, unaided by a single state, arrested the farther progress of the system, so that the question from that period to this, on the part of the manufacturers, has been, not how to acquire more, but to retain that which they have acquired. I will inform the gentleman that, if this attitude had not been taken on the part of the state, the question would not now be how duties ought to be repealed, but a question, as to the protected articles, between prohibition on one side and the duties established by the act of 1828 on the other. But a single remark will be sufficient in reply to what I must consider the invidious remark of the senator from Virginia (Mr. Rives). The act of 1832, which has not yet gone into operation, and which was passed but a few months since, was declared by the supporters of the system to be a *permanent* adjustment, and the bill proposed by the Treasury Department, not essentially different from the act itself, was in like manner declared to be intended by the administration as a permanent arrangement. What has occurred since, except this ordinance, and these abused acts of the calumniated state, to produce this mighty revolution in reference to this odious system? Unless the senator from Virginia can assign some other cause, he is bound, upon every principle of fairness, to retract this unjust aspersion upon the acts of South Carolina.

The senator from Delaware (Mr. Clayton), as well as others, has relied with great emphasis on the fact that we are citizens of the

United States. I do not object to the expression, nor shall I detract from the proud and elevated feelings with which it is associated; but I trust that I may be permitted to raise the inquiry, In what manner are we citizens of the United States? without weakening the patriotic feeling with which, I trust, it will ever be uttered. If by citizen of the United States he means a citizen at large, one whose citizenship extends to the entire geographical limits of the country, without having a local citizenship in some state or territory, a sort of citizen of the world, all I have to say is, that such a citizen would be a perfect nondescript; that not a single individual of this description can be found in the entire mass of our population. Notwithstanding all the pomp and display of eloquence on the occasion, every citizen is a citizen of some state or territory, and, as such, under an express provision of the Constitution, is entitled to all privileges and immunities of citizens in the several states; and it is in this, and in no other sense, that we are citizens of the United States. The senator from Pennsylvania (Mr. Dallas), indeed, relies upon that provision in the Constitution which gives Congress the power to establish a uniform rule of naturalization, and the operation of the rule actually established under this authority, to prove that naturalized citizens are citizens at large, without being citizens of any of the states. I do not deem it necessary to examine the law of Congress upon this subject, or to reply to the arguments of the senator, though I cannot doubt that he (Mr. D.) has taken an entirely erroneous view of the subject. It is sufficient that the power of Congress extends simply to the establishment of a uniform rule by which foreigners may be naturalized in the several states or territories, without infringing in any other respect, in reference to naturalization, the rights of the states as they existed before the adoption of the Constitution.

Having supplied the omissions of yesterday, I now resume the subject at the point where my remarks then terminated. The Senate will remember that I stated, at their close, that the great question at issue is, whether ours is a federal or a consolidated system of government; a system in which the parts, to use the emphatic language of Mr. Palgrave, are the integers, and the whole the multiple, or in which the whole is a unit and the parts the fractions; that I stated, that on the decision of this question, I believe, depended not only the liberty and prosperity of this country, but the place which we are destined to hold in the intellectual and moral scale of nations. I stated, also, in my remarks on this point, that there is a striking analogy between this

and the great struggle between Persia and Greece, which was decided by the battles of Marathon, Platea, and Salamis, and which immortalized the names of Miltiades and Themistocles. I illustrated this analogy by showing that centralism or consolidation, with the exception of a few nations along the eastern border of the Mediterranean, has been the pervading principle in the Asiatic governments, while the federal system, or, what is the same in principle, that system which organizes a community in reference to its parts, has prevailed in Europe.

Among the few exceptions in the Asiatic nations, the government of the twelve tribes of Israel, in its early period, is the most striking. Their government, at first, was a mere confederation without any central power, till a military chieftain, with the title of king, was placed at its head, without, however, merging the original organization of the twelve distinct tribes. This was the commencement of that central action among that peculiar people which, in three generations, terminated in a permanent division of their tribes. It is impossible even for a careless reader to peruse the history of that event without being forcibly struck with the analogy in the causes which led to their separation, and those which now threaten us with a similar calamity. With the establishment of the central power in the king commenced a system of taxation, which, under King Solomon, was greatly increased to defray the expense of rearing the temple, of enlarging and embellishing Jerusalem, the seat of the central government, and the other profuse expenditures of his magnificent reign. Increased taxation was followed by its natural consequences—discontent and complaint; which before his death began to excite resistance. On the succession of his son, Rehoboam, the ten tribes, headed by Jeroboam, demanded a reduction of the taxes; the temple being finished, and the embellishment of Jerusalem completed, and the money which had been raised for that purpose being no longer required, or, in other words, the debt being paid, they demanded a reduction of the duties—a repeal of the tariff. The demand was taken under consideration, and after consulting the old men, the counsellors of '98, who advised a reduction, he then took the opinion of the younger politicians, who had since grown up, and knew not the doctrines of their fathers; he hearkened unto their counsel, and refused to make the reduction, and the secession of the ten tribes under Jeroboam followed. The tribes of Judah and Benjamin, which had received the disbursements, alone remained to the house of David.

But to return to the point immediately under consideration. I know that it is not only the opinion of a large majority of our country, but it may be said to be the opinion of the age, that the very beau ideal of a perfect government is the government of a majority, acting through a representative body, without check or limitation in its power; yet, if we may test this theory by experience and reason, we shall find that, so far from being perfect, the necessary tendency of all governments, based upon the will of an absolute majority, without constitutional check or limitation of power, is to faction, corruption, anarchy, and despotism; and this, whether the will of the majority be expressed directly through an assembly of the people themselves, or by their representatives. I know that, in venturing this assertion, I utter that which is unpopular both within and without these walls; but where truth and liberty are concerned, such considerations should not be regarded. I will place the decision of this point on the fact that no government of the kind, among the many attempts which have been made, has ever endured for a single generation, but, on the contrary, has invariably experienced the fate which I have assigned to it. Let a single instance be pointed out, and I will surrender my opinion. But, if we had not the aid of experience to direct our judgment, reason itself would be a certain guide. The view which considers the community as a unit, and all its parts as having a similar interest, is radically erroneous. However small the community may be, and however homogeneous its interests, the moment that government is put into operation, as soon as it begins to collect taxes and to make appropriations, the different portions of the community must, of necessity, bear different and opposing relations in reference to the action of the government. There must inevitably spring up two interests—a direction and a stockholder interest—an interest profiting by the action of the government, and interested in increasing its powers and action; and another, at whose expense the political machine is kept in motion. I know how difficult it is to communicate distinct ideas on such a subject, through the medium of general propositions, without particular illustration; and in order that I may be distinctly understood, though at the hazard of being tedious, I will illustrate the important principle which I have ventured to advance by examples.

Let us, then, suppose a small community of five persons, separated from the rest of the world; and, to make the example strong, let us suppose them all to be engaged in the same pursuit, and to be of equal

wealth. Let us further suppose that they determine to govern the community by the will of a majority; and, to make the case as strong as possible, let us suppose that the majority, in order to meet the expenses of the government, lay an equal tax, say of $100, on each individual of this little community. Their treasury would contain five hundred dollars. Three are a majority; and they, by supposition, have contributed three hundred as their portion, and the other two (the minority), two hundred. The three have the right to make the appropriations as they may think proper. The question is, How would the principle of the absolute and unchecked majority operate, under these circumstances, in this little community? If the three be governed by a sense of justice—if they should appropriate the money to the objects for which it was raised, the common and equal benefit of the five, then the object of the association would be fairly and honestly effected, and each would have a common interest in the government. But, should the majority pursue an opposite course—should they appropriate the money in a manner to benefit their own particular interest, without regard to the interest of the two (and that they will so act, unless there be some efficient check, he who best knows human nature will least doubt), who does not see that the three and the two would have directly opposite interests in reference to the action of the government? The three who contribute to the common treasury but three hundred dollars, could, in fact, by appropriating the five hundred to their own use, convert the action of the government into the means of making money, and, of consequence, would have a direct interest in increasing the taxes. They put in three hundred and take out five: that is, they take back to themselves all that they had put in, and in addition, that which was put in by their associates; or, in other words, taking taxation and appropriation together, they have gained, and their associates have lost, two hundred dollars by the fiscal action of the government. Opposite interests, in reference to the action of the government, are thus created between them: the one having an interest in favor, and the other against the taxes; the one to increase, and the other to decrease the taxes; the one to retain the taxes when the money is no longer wanted, and the other to repeal them when the objects for which they were levied have been executed.

Let us now suppose this community of five to be raised to twenty-four individuals, to be governed, in like manner, by the will of a majority: it is obvious that the same principle would divide them into two

interests—into a majority and a minority, thirteen against eleven, or in some other proportion; and that all the consequences which I have shown to be applicable to the small community of five would be equally applicable to the greater, the cause not depending upon the number, but resulting necessarily from the action of the government itself. Let us now suppose that, instead of governing themselves directly in an assembly of the whole, without the intervention of agents, they should adopt the representative principle, and that, instead of being governed by a majority of themselves, they should be governed by a majority of their representatives. It is obvious that the operation of the system would not be affected by the change: the representatives being responsible to those who choose them, would conform to the will of their constituents, and would act as they would do were they present and acting for themselves; and the same conflict of interest, which we have shown would exist in one case, would equally exist in the other. In either case, the inevitable result would be a system of hostile legislation on the part of the majority, or the stronger interest, against the minority, or the weaker interest: the object of which, on the part of the former, would be to exact as much as possible from the latter, which would necessarily be resisted by all the means in their power. Warfare, by legislation, would thus be commenced between the parties, with the same object, and not less hostile than that which is carried on between distinct and rival nations—the only distinction would be in the instruments and the mode. Enactments, in the one case, would supply what could only be effected by arms in the other; and the inevitable operation would be to engender the most hostile feelings between the parties, which would merge every feeling of patriotism—that feeling which embraces the whole, and substitute in its place the most violent party attachment; and, instead of having one common centre of attachment, around which the affections of the community might rally, there would, in fact, be two—the interests of the majority, to which those who constitute that majority would be more attached than they would be to the whole, and that of the minority, to which they, in like manner, would also be more attached than to the interests of the whole. Faction would thus take the place of patriotism; and, with the loss of patriotism, corruption must necessarily follow, and in its train, anarchy, and, finally, despotism, or the establishment of absolute power in a single individual, as a means of arresting the conflict of hostile interests: on the principle that it is better to submit to the will of a single individual,

who, by being made lord and master of the whole community, would have an equal interest in the protection of all the parts.

Let us next suppose that, in order to avert the calamitous train of consequences, this little community should adopt a written constitution, with limitations restricting the will of the majority, in order to protect the minority against the oppression which I have shown would necessarily result without such restrictions. It is obvious that the case would not be in the slightest degree varied if the majority be left in possession of the right of judging exclusively of the extent of its powers, without any right on the part of the minority to enforce the restrictions imposed by the Constitution on the will of the majority. The point is almost too clear for illustration. Nothing can be more certain than that, when a constitution grants power, and imposes limitations on the exercise of that power, whatever interests may obtain possession of the government, will be in favor of extending the power at the expense of the limitation; and that, unless those in whose behalf the limitations were imposed have, in some form or mode, the right of enforcing them, the power will ultimately supersede the limitation, and the government must operate precisely in the same manner as if the will of the majority governed without constitution or limitation of power.

I have thus presented all possible modes in which a government founded upon the will of an absolute majority will be modified, and have demonstrated that, in all its forms, whether in a majority of the people, as in a mere Democracy, or in a majority of their representatives, without a constitution or with a constitution, to be interpreted as the will of the majority, the result will be the same: two hostile interests will inevitably be created by the action of the government, to be followed by hostile legislation, and that by faction, corruption, anarchy, and despotism.

The great and solemn question here presents itself, Is there any remedy for these evils? on the decision of which depends the question, whether the people can govern themselves, which has been so often asked with so much skepticism and doubt. There is a remedy, and but one, the effects of which, whatever may be the form, is to organize society in reference to this conflict of interests, which springs out of the action of government; and which can only be done by giving to each part the right of self-protection; which, in a word, instead of considering the community of twenty-four a single community, having a common interest, and to be governed by the single will of an entire majority,

shall, upon all questions tending to bring the parts into conflict, the thirteen against the eleven, take the will, not of the twenty-four as a unit, but that of the thirteen and that of the eleven separately, the majority of each governing the parts, and where they concur, governing the whole, and where they disagree, arresting the action of the government. This I will call the concurring, as distinct from the absolute majority. It would not be, as was generally supposed, a minority governing a majority. In either way the number would be the same, whether taken as the absolute or as the concurring majority. Thus, the majority of the thirteen is seven, and of the eleven six; and the two together make thirteen, which is the majority of twenty-four. But, though the number is the same, the mode of counting is essentially different: the one representing the strongest interest, and the other, the entire interests of the community. The first mistake is, in supposing that the government of the absolute majority is the government of this people—that beau ideal of a perfect government which has been so enthusiastically entertained in every age by the generous and patriotic, where civilization and liberty have made the smallest progress. There can be no greater error: the government of the people is the government of the whole community—of the twenty-four—the self-government of all the parts—too perfect to be reduced to practice in the present, or any past stage of human society. The government of the absolute majority, instead of the government of the people, is but the government of the strongest interests, and, when not efficiently checked, is the most tyrannical and oppressive that can be devised. Between this ideal perfection on one side and despotism on the other, none other can be devised but that which considers society in reference to its parts, as differently affected by the action of the government, and which takes the sense of each part separately, and thereby the sense of the whole, in the manner already illustrated.

These principles, as I have already stated, are not affected by the number of which the community may be composed, and are just as applicable to one of thirteen millions, the number which composes ours, as of the small community of twenty-four, which I have supposed for the purpose of illustration; and are not less applicable to the twenty-four states united in one community, than to the case of the twenty-four individuals. There is, indeed, a distinction between a large and a small community, not affecting the principle, but the violence of the action. In the former, the similarity of the interests of all the parts will limit

the oppression from the hostile action of the parts, in a great degree, to the fiscal action of the government merely; but in the large community, spreading over a country of great extent, and having a great diversity of interests, with different kinds of labor, capital, and production, the conflict and oppression will extend, not only to a monopoly of the appropriations on the part of the stronger interests, but will end in unequal taxes, and a general conflict between the entire interests of conflicting sections, which, if not arrested by the most powerful checks, will terminate in the most oppressive tyranny that can be conceived, or in the destruction of the community itself.

If we turn our attention from these supposed cases, and direct it to our government and its actual operation, we shall find a practical confirmation of the truth of what has been stated, not only of the oppressive operation of the system of an absolute majority, but also a striking and beautiful illustration, in the formation of our system, of the principle of the concurring majority, as distinct from the absolute, which I have asserted to be the only means of efficiently checking the abuse of power, and, of course, the only solid foundation of constitutional liberty. That our government, for many years, has been gradually verging to consolidation; that the Constitution has gradually become a dead letter; and that all restrictions upon the power of government have been virtually removed, so as practically to convert the General Government into a government of an absolute majority, without check or limitation, cannot be denied by any one who has impartially observed its operation.

It is not necessary to trace the commencement and gradual progress of the causes which have produced this change in our system; it is sufficient to state that the change has taken place within the last few years. What has been the result? Precisely that which might have been anticipated: the growth of faction, corruption, anarchy, and, if not despotism itself, its near approach, as witnessed in the provisions of this bill. And from what have these consequences sprung? We have been involved in no war! We have been at peace with all the world. We have been visited with no national calamity. Our people have been advancing in general intelligence, and, I will add, as great and alarming as has been the advance of political corruption among the mercenary corps who look to government for support, the morals and virtue of the community at large have been advancing in improvement. What, I will again repeat, is the cause? No other can be assigned but

a departure from the fundamental principles of the Constitution, which has converted the government into the will of an absolute and irresponsible majority, and which, by the laws that must inevitably govern in all such majorities, has placed in conflict the great interests of the country: by a system of hostile legislation, by an oppressive and unequal imposition of taxes, by unequal and profuse appropriations, and by rendering the entire labor and capital of the weaker interest subordinate to the stronger.

This is the cause, and these the fruits, which have converted the government into a mere instrument of taking money from one portion of the community to be given to another, and which has rallied around it a great, a powerful, and mercenary corps of office-holders, office-seekers, and expectants, destitute of principle and patriotism, and who have no standard of morals or politics but the will of the executive—the will of him who has the distribution of the loaves and the fishes. I hold it impossible for any one to look at the theoretical illustration of the principle of the absolute majority in the cases which I have supposed, and not be struck with the practical illustration in the actual operation of our government. Under every circumstance, the absolute majority will ever have its American system (I mean nothing offensive to any senator); but the real meaning of the American system is, that system of plunder which the strongest interest has ever waged, and will ever wage, against the weaker, where the latter is not armed with some efficient and constitutional check to arrest its action. Nothing but such check on the part of the weaker interest can arrest it; mere constitutional limitations are wholly insufficient. Whatever interest obtains possession of the government will, from the nature of things, be in favor of the powers, and against the limitations imposed by the Constitution, and will resort to every device that can be imagined to remove those restraints. On the contrary, the opposite interest, that which I have designated as the stock-holding interest, the tax-payers, those on whom the system operates, will resist the abuse of powers, and contend for the limitations. And it is on this point, then, that the contest between the delegated and the reserved powers will be waged; but in this contest, as the interests in possession of the government are organized and armed by all its powers and patronage, the opposite interest, if not in like manner organized and possessed of a power to protect themselves under the provisions of the Constitution, will be as inevitably crushed as would be a band of unorganized militia when opposed by a veteran

and trained corps of regulars. Let it never be forgotten that power can only be opposed by power, organization by organization; and on this theory stands our beautiful federal system of government. No free system was ever farther removed from the principle that the absolute majority, without check or limitation, ought to govern. To understand what our government is, we must look to the Constitution, which is the basis of the system. I do not intend to enter into any minute examination of the origin and the source of its powers; it is sufficient for my purpose to state, what I do fearlessly, that it derived its power from the people of the separate states, each ratifying by itself, each binding itself by its own separate majority, through its separate convention, the concurrence of the majorities of the several states forming the Constitution, thus taking the sense of the whole by that of the several parts, representing the various interests of the entire community. It was this concurring and perfect majority which formed the Constitution, and not that majority which would consider the American people as a single community, and which, instead of representing fairly and fully the interests of the whole, would but represent, as has been stated, the interest of the stronger section. No candid man can dispute that I have given a correct description of the constitution-making power; that power which created and organized the government, which delegated to it, as a common agent, certain powers, in trust for the common good of all the states, and which imposed strict limitation and checks against abuses and usurpations. In administering the delegated powers, the Constitution provides, very properly, in order to give promptitude and efficiency, that the government shall be organized upon the principle of the absolute majority, or, rather, of two absolute majorities combined: a majority of the states considered as bodies politic, which prevails in this body; and a majority of the people of the states, estimated in federal numbers, in the other house of Congress. A combination of the two prevails in the choice of the President, and, of course, in the appointment of judges, they being nominated by the President and confirmed by the Senate. It is thus that the concurring and the absolute majorities are combined in one complex system: the one in forming the Constitution, and the other in making and executing the laws; thus beautifully blending the moderation, justice, and equity of the former, and more perfect majority, with the promptness and energy of the latter, but less perfect.

To maintain the ascendency of the Constitution over the law-making

majority is the great and essential point, on which the success of the system must depend: unless that ascendency can be preserved, the necessary consequence must be, that the laws will supersede the Constitution, and, finally, the will of the executive, by the influence of his patronage, will supersede the laws, indications of which are already perceptible. This ascendency can only be preserved through the action of the states as organized bodies, having their own separate governments, and possessed of the right, under the structure of our system, of judging of the extent of their separate powers, and of interposing their authority to arrest the enactments of the General Government within their respective limits. I will not enter at this time into the discussion of this important point, as it has been ably and fully presented by the senator from Kentucky (Mr. Bibb), and others who preceded him in this debate on the same side, whose arguments not only remain unanswered, but are unanswerable. It is only by this power of interposition that the reserved rights of the states can be peacefully and efficiently protected against the encroachments of the General Government, that the limitations imposed upon its authority will be enforced, and its movements confined to the orbit allotted to it by the Constitution.

It has, indeed, been said in debate, that this can be effected by the organization of the General Government itself, particularly by the action of this body, which represents the states, and that the states themselves must look to the General Government for the preservation of many of the most important of their reserved rights. I do not underrate the value to be attached to the organic arrangement of the General Government, and the wise distribution of its powers between the several departments, and, in particular, the structure and the important functions of this body; but to suppose that the Senate, or any department of this government, was intended to be the only guardian of the reserved rights, is a great and fundamental mistake. The government, through all its departments, represents the delegated, and not the reserved powers; and it is a violation of the fundamental principle of free institutions to suppose that any but the responsible representative of any interest can be its guardian. The distribution of the powers of the General Government, and its organization, were arranged to prevent the abuse of power in fulfilling the important trusts confided to it and not, as preposterously supposed, to protect the reserved powers which are confided wholly to the guardianship of the several states.

Against the view of our system which I have presented, and the right of the state to interpose, it is objected that it would lead to anarchy and dissolution. I consider the objection as without the slightest foundation, and that, so far from tending to weakness or disunion, it is the source of the highest power and of the strongest cement. Nor is its tendency in this respect difficult of explanation. The government of an absolute majority, unchecked by efficient constitutional restraint, though apparently strong, is, in reality, an exceedingly feeble government. That tendency to conflict between the parts, which I have shown to be inevitable in such governments, wastes the powers of the state in the hostile action of contending factions, which leaves very little more power than the excess of the strength of the majority over the minority. But a government based upon the principle of the concurring majority, where each great interest possesses within itself the means of self-protection, which ultimately requires the mutual consent of all the parts, necessarily causes that unanimity in council, and ardent attachment of all the parts to the whole, which give an irresistible energy to a government so constituted. I might appeal to history for the truth of these remarks, of which the Roman furnishes the most familiar and striking. It is a well-known fact, that, from the expulsion of the Tarquins to the time of the establishment of the tribunitian power, the government fell into a state of the greatest disorder and distraction, and, I may add, corruption. How did this happen? The explanation will throw important light on the subject under consideration. The community was divided into two parts—the Patricians and the Plebeians: with the power of the state principally in the hands of the former, without adequate check to protect the rights of the latter. The result was as might be expected. The patricians converted the powers of the government into the means of making money, to enrich themselves and their dependants. They, in a word, had their American system, growing out of the peculiar character of the government and condition of the country. This requires explanation. At that period, according to the laws of nations, when one nation conquered another, the lands of the vanquished belonged to the victors; and, according to the Roman law, the lands thus acquired were divided into two parts, one allotted to the poorer class of the people, and the other assigned to the use of the treasury, of which the patricians had the distribution and administration. The patricians abused their power by withholding from the plebeians that which ought to have been allotted to them, and

by converting to their own use that which ought to have gone to the treasury. In a word, they took to themselves the entire spoils of victory, and they had thus the most powerful motive to keep the state perpetually involved in war, to the utter impoverishment and oppression of the plebeians. After resisting the abuse of power by all peaceable means, and the oppression becoming intolerable, the plebeians, at last, withdrew from the city—they, in a word, seceded; and to induce them to reunite, the patricians conceded to the plebeians, as the means of protecting their separate interests, the very power which I contend is necessary to protect the rights of the states, but which is now represented as necessarily leading to disunion. They granted to them the right of choosing three tribunes from among themselves, whose persons should be sacred, and who should have the right of interposing their veto, not only against the passage of laws, but even against their execution: a power which those who take a shallow insight into human nature would pronounce inconsistent with the strength and unity of the state, if not utterly impracticable; yet, so far from that being the effect, from that day the genius of Rome became ascendant, and victory followed her steps till she had established an almost universal dominion. How can a result so contrary to all anticipation be explained? The explanation appears to me to be simple. No measure or movement could be adopted without the concurring assent of both the patricians and plebeians, and each thus became dependent on the other; and of consequence, the desire and objects of neither could be effected without the concurrence of the other. To obtain this concurrence, each was compelled to consult the good-will of the other, and to elevate to office, not simply those who might have the confidence of the order to which he belonged, but also that of the other. The result was, that men possessing those qualities which would naturally command confidence—moderation, wisdom, justice, and patriotism—were elevated to office; and these, by the weight of their authority and the prudence of their counsel, together with that spirit of unanimity necessarily resulting from the concurring assent of the two orders, furnishes the real explanation of the power of the Roman State, and of that extraordinary wisdom, moderation, and firmness which in so remarkable a degree characterized her public men. I might illustrate the truth of the position which I have laid down by a reference to the history of all free states, ancient and modern, distinguished for their power and patriotism, and conclusively show, not only that there was not one which had not

some contrivance, under some form, by which the concurring assent of the different portions of the community was made necessary in the action of government, but also that the virtue, patriotism, and strength of the state were in direct proportion to the perfection of the means of securing such assent. In estimating the operation of this principle in our system, which depends, as I have stated, on the right of interposition on the part of the state, we must not omit to take into consideration the amending power, by which new powers may be granted, or any derangement of the system be corrected, by the concurring assent of three fourths of the states, and thus, in the same degree, strengthening the power of repairing any derangement occasioned by the eccentric action of a state. In fact, the power of interposition, fairly understood, may be considered in the light of an appeal against the usurpations of the General Government, the joint agent of all the states, to the states themselves, to be decided under the amending power, affirmatively in favor of the government, by the voice of three fourths of the states, as the highest power known under the system. I know the difficulty in our country, of establishing the truth of the principle for which I contend, though resting upon the clearest reason, and tested by the universal experience of free nations. I know that the governments of the several states will be cited as an argument against the conclusion to which I have arrived, and which, for the most part, are constructed on the principle of the absolute majority; but, in my opinion, a satisfactory answer can be given: that the objects of expenditure which fall within the sphere of a state government are few and inconsiderable, so that, be their action ever so irregular, it can occasion but little derangement. If, instead of being members of this great confederacy, they formed distinct communities, and were compelled to raise armies, and incur other expenses necessary to their defence, the laws which I have laid down as necessarily controlling the action of the state where the will of an absolute and unchecked majority prevailed, would speedily disclose themselves in faction, anarchy, and corruption. Even as the case is, the operation of the causes to which I have referred is perceptible in some of the larger and more populous members of the Union, whose governments have a powerful central action, and which already show a strong tendency to that moneyed action which is the invariable forerunner of corruption and convulsions.

But to return to the General Government, we have now sufficient experience to ascertain that the tendency to conflict in its action is be-

tween Southern and other sections. The latter having a decided majority, must habitually be possessed of the powers of the government, both in this and in the other house; and, being governed by that instinctive love of power so natural to the human breast, they must become the advocates of the power of government, and in the same degree opposed to the limitations; while the other and weaker section is as necessarily thrown on the side of the limitations. One section is the natural guardian of the delegated powers, and the other of the reserved; and the struggle on the side of the former will be to enlarge the powers, while that on the opposite side will be to restrain them within their constitutional limits. The contest will, in fact, be a contest between power and liberty, and such I consider the present—a contest in which the weaker section, with its peculiar labor, productions, and institutions, has at stake all that can be dear to freemen. Should we be able to maintain in their full vigor our reserved rights, liberty and prosperity will be our portion; but if we yield, and permit the stronger interest to concentrate within itself all the powers of the government, then will our fate be more wretched than that of the aborigines whom we have expelled. In this great struggle between the delegated and reserved powers, so far from repining that my lot, and that of those whom I represent, is cast on the side of the latter, I rejoice that such is the fact; for, though we participate in but few of the advantages of the government, we are compensated, and more than compensated, in not being so much exposed to its corruption. Nor do I repine that the duty, so difficult to be discharged, as the defence of the reserved powers, against apparently such fearful odds, has been assigned to us. To discharge successfully this high duty requires the highest qualities, moral and intellectual; and should we perform it with a zeal and ability in proportion to its magnitude, instead of being mere planters, our section will become distinguished for its patriots and statesmen. But, on the other hand, if we prove unworthy of this high destiny—if we yield to the steady encroachment of power, the severest calamity and most debasing corruption will overspread the land. Every Southern man, true to the interests of his section, and faithful to the duties which Providence has allotted him, will be forever excluded from the honors and emoluments of this government, which will be reserved for those only who have qualified themselves, by political prostitution, for admission into the *Magdalen* Asylum.

Mr. Calhoun spoke on the 15th of February, and

three days afterward the bill was ordered to be engrossed for a third reading, by a vote of thirty-two to eight. Those who voted in the negative were Mr. Bibb of Kentucky, Mr. Calhoun and Mr. Miller of South Carolina, Mr. King and Mr. Moore of Alabama, Mr. Mangum of North Carolina, Mr. Troup of Georgia, and Mr. Tyler of Virginia. Mr. Clay, Mr. Benton, and several other senators, absented themselves, and did not vote on the question. The bill was pressed to a final vote on the 20th instant. All the senators opposed to it except Mr. Tyler having left the Senate chamber, it was passed by a vote of thirty-two to one (Mr. Tyler.)

In his speech on the Force Bill, Mr. Calhoun purposely avoided the discussion of the principles involved in his resolutions, except in general terms, because he wished to deprive Mr. Webster of the advantage of attacking his positions when he would be precluded from a reply. Mr. Webster followed Mr. Calhoun in the debate on the Force Bill; and instead of confining himself to the merits of the question actually before the Senate, he went into an elaborate examination of the principles on which the government was formed, and taking the extreme federal ground in support and defence of consolidation, attacked with much vehemence and ability the positions laid down by Mr. Calhoun in his resolutions. The latter had anticipated this, and after the passage of the Force Bill, the Senate, at his request, assigned a day when he should be heard in defence of his resolutions.

The question at issue was of the highest importance. It was a contest between extremes—ultra Federalism

and Consolidation on the one hand, and ultra State Rights on the other. Mr. Webster saw where the real point lay, and had the frankness to concede it. He could not but admit that if the Constitution was a compact between the states, as the whole Republican party then, as now, contended, nullification, state interposition, and secession, followed as a matter of course.* Mr. Webster, therefore, maintained that the Constitution was not only a compact between the states, but that after its ratification it became the fundamental law, supreme in its authority to the extent of the delegated powers, binding the states and the whole American people in the aggregate, and thus forming one indivisible nation.

"Whether the Constitution be a compact between states in their sovereign capacities," he said, "is a question which must be mainly argued from what is contained in the instrument itself. We all agree that it is an instrument which has been in some way clothed with power. We all admit that it speaks with authority. The first question then is—What does it say of itself? What does it purport to be? Does it style itself a league, confederacy, or compact between sovereign states? It is to be remembered, that the Constitution began to speak only after its adoption. Until it was ratified by nine states, it was but a proposal, the mere draft of an instrument. It was like a deed drawn but not executed. The Convention had framed it; sent it

* Mr. Grundy admitted in his resolutions, that nullification was the rightful remedy in the last resort; and he was one of the leaders, and on this occasion was regarded as the organ, of the administration or Jackson party.

to Congress then sitting under the Confederation: Congress had transmitted it to the State Legislatures; and by the last, it was laid before the Conventions of the people in the several states. All this while it was inoperative paper. It had received no stamp of authority: it spoke no language. But when ratified by the people in their respective Conventions, then it had a voice and spoke authentically. Every word in it had then received the sanction of the popular will, and was to be received as the expression of that will. What the Constitution says of itself, therefore, is as conclusive as what it says on any other point. Does it call itself a 'compact?' Certainly not. It uses the word *compact* but once, and that is, when it declares that the states shall enter into no compact. Does it call itself a 'league,' a 'confederacy,' a 'subsisting treaty between the states?' Certainly not. There is not a particle of such language in all its pages. But it declares itself a CONSTITUTION. What is a *Constitution*? Certainly not a league or confederacy, but a *fundamental law.* That fundamental regulation which determines the manner in which the public authority is to be executed, is what forms the *Constitution of a State.* Those primary rules which concern the body itself, and the very being of the political society, the form of government and the manner in which power is to be exercised—all, in a word, which form together the Constitution of a state—these are fundamental laws. This is the language of the public writers. But do we need to be informed in this country what a *constitution* is? Is it not an idea perfectly familiar, definite and well settled? We are at no loss to understand what is meant by the Constitu-

tion of one of the states—and the Constitution of the United States speaks of itself as being an instrument of the same nature. It says, this *Constitution* shall be the law of the land, anything in *State Constitutions* to the contrary, notwithstanding. And speaks of itself too, in plain contradistinction from a confederation: for it says, that all debts contracted, and all engagements entered into by the United States, shall be as valid under this *Constitution* as under the *Confederation*.* It does not say, as valid under this *compact*, or this league, or this confederation, as under the former confederation, but as valid under this Constitution."

Mr. Calhoun replied to Mr. Webster on the 26th of February, in a most masterly effort made in the presence of a large and attentive audience. All felt the influence of the mighty mind whose energies were now taxed to the utmost, and hundreds who could not or would not be convinced by his reasoning, listened with admiration and delight to the torrent of argument that rolled in an incessant flow from his lips. He maintained that the Constitution was strictly a compact between sovereign bodies, and that each state as a party could declare the nature and extent of her obligations, in the same

* [But the Constitution does not say that such debts or engagements are of any greater validity under the Constitution than under the Articles of Confederation, which they certainly would be, if, as contended by Mr. Webster, the Constitution is not a compact; because in that case they would be binding and obligatory, not only upon the states, but also upon the American people in the aggregate. Is not the inference irresistible, then, that the Constitution was designed to be a substitute merely for the Confederation,—enlarging the powers of the federal authority and constituting different representatives of that authority, though not in fact changing its nature or character?]

manner as in the analogous case of a treaty or alliance between two powers or governments. The Constitution was formed by a federal convention of the states, and ratified by the states as states, through the interposition of Conventions, for, obviously, the state legislatures had no power to bind their constituents on such a question: it was not submitted to the people in the aggregate, but each state voted upon it separately, in its sovereign capacity.

Mr. Calhoun sustained his position that the Constitution was a compact by quoting the language of Mr. Webster himself, who, in his reply to Mr. Hayne on the 26th of January, 1830, had referred to the federal constitution as a "compact," and as "the constitutional compact." He also cited the ratification resolutions of the Massachusetts convention in 1788, which characterized the Constitution as "an explicit and solemn compact," and to the similar terms employed by the legislature of that state in their reply to the Virginia resolutions of 1798. These resolutions had declared the Constitution to be a compact between the states, which Massachusetts expressly recognized in her answer, while it was not denied by Delaware, New York, Connecticut, New Hampshire, or Vermont, who also replied to the resolutions, and, by their silence, acquiesced in this construction.

The great principle for which Mr. Calhoun contended, was embraced in the first resolution, which, being admitted, the other resolutions were the irresistible inferences or conclusions. The first resolution, said Mr. Calhoun, "contains three propositions, First, that the Constitution is a compact; second, that it was formed

by the states, constituting distinct communities; and, lastly, that it is a subsisting and binding compact between the states. How do these three propositions now stand? The first, I trust, has been satisfactorily established; the second, the senator has admitted, faintly, indeed, but still he has admitted it to be true. This admission is something. It is so much gained by discussion. Three years ago even this was a contested point. But I cannot say that I thank him for the admission: we owe it to the force of truth. The fact that these states were declared to be free and independent states at the time of their independence; that they were acknowledged to be so by Great Britain in the treaty which terminated the war of the Revolution, and secured their independence; that they were recognized in the same character in the old articles of the Confederation; and, finally, that the present Constitution was formed by a convention of the several states, afterward submitted to them for their ratification, and was ratified by them separately, each for itself, and each, by its own act, binding its citizens, formed a body of facts too clear to be denied and too strong to be resisted.

"It now remains to consider the third and last proposition contained in the resolution—that it is a binding and a subsisting compact between the states. The senator was not explicit on this point. I understood him, however, as asserting that, though formed by the states, the Constitution was not binding between the states as distinct communities, but between the American people in the aggregate, who, in consequence of the adoption of the Constitution, according to the

opinion of the senator, became one people, at least to the extent of the delegated powers. This would, indeed, be a great change. All acknowledge, that previous to the adoption of the Constitution, the states constituted distinct and independent communities, in full possession of their sovereignty; and, surely, if the adoption of the Constitution was intended to effect the great and important change in their condition which the theory of the senator supposes, some evidence of it ought to be found in the instrument itself. It professes to be a careful and full enumeration of all the powers which the states delegated, and of every modification of their political condition. The senator said that he looked to the Constitution in order to ascertain its real character; and, surely, he ought to look to the same instrument in order to ascertain what changes were, in fact, made in the political condition of the states and the country. But with the exception of 'We, the people of the United States' in the preamble, he has not pointed out a single indication in the Constitution of the great change which he conceives has been effected in this respect.

"Now, sir, I intend to prove that the only argument on which the senator relies on this point must utterly fail him. I do not intend to go into a critical examination of the expression of the preamble to which I have referred. I do not deem it necessary; but were it, it might easily be shown that it is at least as applicable to my view of the Constitution as to that of the senator, and that the whole of his argument on this point rests on the ambiguity of the term thirteen United States; which may mean certain territorial limits, comprehend-

ing within them the whole of the states and territories of the Union. In this sense the people of the United States may mean *all* the people living within these limits, without reference to the states or territories in which they may reside, or of which they may be citizens, and it is in this sense only that the expression gives the least countenance to the argument of the senator. But it may also mean *the states united*, which inversion alone, without farther explanation, removes the ambiguity to which I have referred. The expression, in this sense, obviously means no more than to speak of the people of the several states in their united and confederated capacity; and, if it were requisite, it might be shown that it is only in this sense that the expression is used in the Constitution. But it is not necessary. A single argument will forever settle this point. Whatever may be the true meaning of this expression, it is not applicable to the condition of the states as they exist under the Constitution, but as it was under the old Confederation, before its adoption. The Constitution had not yet been adopted, and the states, in ordaining it, could only speak of themselves in the condition in which they then existed, and not in that in which they would exist under the Constitution, so that, if the argument of the senator proves anything, it proves, not, as he supposes, that the Constitution forms the American people into an aggregate mass of individuals, but that such was their political condition before its adoption, under the old Confederation, directly contrary to his argument in the previous part of this discussion.

"But I intend not to leave this important point, the

last refuge of those who advocate consolidation, even on this conclusive argument. I have shown that the Constitution affords not the least evidence of the mighty change of the political condition of the states and the country, which the senator supposed it effected; and I intend now by the most decisive proof, drawn from the constitutional instrument itself, to show that no such change was intended, and that the people of the states are united under it as states and not as individuals. On this point there is a very important part of the Constitution entirely and strangely overlooked by the senator in this debate, as it is expressed in the first resolution, which furnishes the conclusive evidence, not only that the Constitution is a compact, but a subsisting compact, binding between the states. I allude to the seventh article, which provides that 'the ratification of the convention of nine states shall be sufficient for the establishment of this Constitution *between the states* so ratifying the same.' Yes, *between the states:* these little words mean a volume—compacts, not laws, bind *between* the states; and it here binds, not between individuals, but between *the states*,—the states *ratifying*, —implying, as strong as language can make it, that the Constitution is what I have asserted it to be—a compact, ratified by the states, and a subsisting compact, binding the states ratifying it.

"But, sir, I will not leave this point, all-important in establishing the true theory of our government, on this argument alone,—demonstrative and conclusive as I hold it to be. Another not much less powerful, but of a different character, may be drawn from the tenth amended article, which provides that 'the powers not

delegated to the United States by the Constitution, nor prohibited to it by the states, are reserved to the states respectively or to the people.' The article of ratification which I have just cited informs us that the Constitution, which delegates powers, was ratified by the states and is binding between them. This informs us to whom the powers are delegated, a most important fact in determining the point immediately at issue between the senator and myself. According to his views, the Constitution created a union between individuals, if the solecism may be allowed, and that it formed, at least to the extent of the powers delegated, one people, and not a Federal Union of the States, as I contend; or, to express the same idea differently, that the delegation of powers was to the American people in the aggregate (for it is only by such delegation that they could be made into one people), and not to the *United States*, directly contrary to the article just cited, which declares that the powers are delegated to the United States. And here it is worthy of notice, that the senator cannot shelter himself under the ambiguous phrase 'to the people of the United States,' under which he would certainly have taken refuge, had the Constitution so expressed it; but, fortunately for the cause of truth and for the great principles of constitutional liberty for which I am contending, 'people' is omitted; thus making the delegation of power clear and unequivocal to the *United States*, as distinct political communities, and conclusively proving that all the powers delegated are reciprocally delegated by the states to each other, as distinct political communities.

"So much for the delegated powers. Now, as all

admit, and as it is expressly provided for in the Constitution, the *reserved* powers are reserved to the states respectively, or to the people, none will pretend that as far as they are concerned, we are one people, though the argument to prove it, however absurd, would be far more plausible than that which goes to show that we are one people to the extent of the delegated powers. This reservation 'to the people' might, in the hands of subtle and trained logicians, be a peg to hang a doubt upon; and had the expression 'to the people' been connected, as fortunately it is not, with the delegated instead of the reserved powers, we should not have heard of this in the present discussion. * * * * * *

"If we compare our present system with the old Confederation, which all acknowledge to have been *federal* in its character, we shall find that it possesses all the attributes which belong to that form of government as fully and completely as that did. In fact, *in this particular*, there is but a single difference, and that not essential, as regards the point immediately under consideration, though very important in other respects. The confederation was the act of the state governments, and formed a union of governments. The present Constitution is the act of the states themselves, or, which is the same thing, of the people of the several states, and forms a union of them as sovereign communities. The states, previous to the adoption of the Constitution, were as separate and distinct political bodies as the governments which represent them, and there is nothing in the nature of things to prevent them from uniting under a compact, in a federal union, without being blended in one mass, any more than uniting

the governments themselves, in like manner, without merging them in a single government. To illustrate what I have stated by reference to ordinary transactions, the confederation was a contract between agents —the present Constitution between the principals themselves; or, to take a more analogous case, one is a league made by ambassadors; the other, a league made by sovereigns—the latter no more tending to unite the parties into a single sovereignty than the former. The only difference is in the solemnity of the act and the force of the obligation."

Rarely has such intellectual championship been witnessed in the halls of Congress as on this memorable occasion. It was a contest between giants. Never before had the great powers of Mr. Calhoun been made so clearly manifest; and the superiority of his logical powers was admitted by many who had not hitherto been classed among his admirers. Mr. Webster was specious and technical; Mr. Calhoun's argument proceeded link by link till he had formed a chain of adamant. The blows of the former were truly formidable, but they were spent in great part upon the air, while every stroke from his antagonist drove the nail home. Mr. Webster argued like a lawyer—Mr. Calhoun like a statesman. The North American Review, hitherto always known as the firm and able advocate of federal doctrines, admitted that Mr. Calhoun had successfully maintained the point that the Constitution was a compact between the states, and it placed him where the general voice of the nation when divested of party prejudice placed him, in the front rank of the *élite* of American statesmen. Mr. Webster himself tacitly con-

ceded that he was beaten. He never attempted to reply to the reply of Mr. Calhoun, but in moody silence and with frowning brows regarded the demolition of the argument he had taken so much pains to construct.

The eccentric John Randolph, then in feeble health, happened to be present during this debate. He sat near Mr. Calhoun when the latter was making his reply, but a hat standing on the seat before him, prevented him from seeing Mr. Webster. "Take away that hat," he exclaimed; "I want to see Webster die, muscle by muscle."

The Force Bill passed the House of Representatives on the 28th of February, and thus became a law; but in the meantime everything had remained quiet in South Carolina. The 1st of February was the day appointed for the nullification ordinance to take effect, but about that time the leading State Rights men held a meeting at Charleston, and adopted resolutions agreeing that no attempt should be made to execute the ordinance till Congress adjourned and the State Convention reässembled.* In this manner a collision between the state and national authorities was avoided. The forts in the harbor of Charleston were strongly garrisoned under the orders of the President, but the officer charged with the command in this quarter was cautious, forbearing, and discreet.† Owing to his moderation and prudence, and the display of the same qualities by the prominent nullifiers and unionists, not a drop of blood was shed.

Meanwhile, in compliance with the clearly expressed wish of the country, notwithstanding a majority of the

* Niles' Register, vol. xliii. p. 381. † General Scott.

American people may have at that time disapproved of the stand taken by South Carolina, different measures for the reduction of the duties were brought before Congress. The project presented by the administration was thought by the friends of protection to contemplate too sudden a reduction. They became alarmed, and Mr. Clay as their organ prepared the well-known Compromise Act, under the advice and with the approbation of Mr. Calhoun. The latter did not desire to see the manufacturers ruined, nor hastily to undo the bad legislation which had given rise to so many complaints. The Compromise Act was announced by its author and advocate, Mr. Clay, to be designed for a permanent tariff system which should quiet the present agitation, and prevent a recurrence of similar evils in the future. The bill surrendered the protective principle and established the ad valorem—two favorite points with Mr. Calhoun. It also provided for a general reduction of the duties to the revenue standard. Mr. Calhoun was satisfied with this, as were all parties in Congress except the ultra friends of protection. The bill passed both Houses, therefore, by large majorities, and received the signature of the President on the 2d day of March, 1833.

Congress adjourned on the 3d instant, and Mr. Calhoun hastened his return home. Travelling night and day by the most rapid public conveyances, he succeeded in reaching Columbia in time to meet the Convention before they had taken any additional steps. Some of the more fiery and ardent members were disposed to complain of the Compromise Act as being only a half-way, temporizing measure; but when his explanations

were made, all felt satisfied, and the Convention cordially approved of his course. The nullification ordinance was repealed, and the two parties in the state abandoned their organizations, and mutually agreed to forget all their past differences—a pledge which, to their honor be it said, was faithfully observed.

Thus terminated this important controversy, which for a time threatened the integrity of the Union. It is, perhaps, too soon to form a correct judgment in regard to the events of this conflict between State Rights and Consolidation. Nullification, it has been said, was "a little hurricane while it lasted;" but it cooled the air, and "left a beneficial effect on the atmosphere." Its influence was decidedly healthful. The nullifiers certainly achieved a triumph,—for they procured a recognition, not immediate but ultimate, of the correctness of their doctrines; and the result of this great contest, more than aught else, laid the foundation of that approbation of the State Rights creed which is now so general a sentiment, and paved the way for the eventual success of the principles of Free Trade.

CHAPTER X.

Removal of the Deposits—Opposition of Mr. Calhoun to the Jackson Administration—Course in Regard to the Bank—Executive Patronage—Reëlected to the Senate—Abolition Excitement—Speech on the Reception of Abolition Petitions—Admission of Michigan—Separation of the Government from the Banks—Speech of Mr. Calhoun—Reply to Mr. Clay.

One of the most powerful reasons—and, perhaps, irrespective of personal feelings, the controlling one—that influenced Mr. Calhoun in taking a position adverse to the administration of General Jackson, was the favor at first shown toward the protective policy. But this important subject having been disposed of for the present by the passage of the Compromise Bill, it became a serious question among politicians, as to what would be the future course of Mr. Calhoun. The friends of the administration party claimed to represent, and so far as great and leading principles were concerned, they did in fact represent, the old Republican party of which Jefferson and Madison were the founders. The opposition in turn insisted that they were the only true disciples of the school to which those illustrious statesmen belonged, and they had several years previous assumed the name of "National Republicans." Had Mr. Calhoun consulted his early predilections, he would undoubtedly have waived all the considerations personal to himself, on the overthrow of

the protective policy, and again united with his Republican friends, not, it may be, as a partisan of the administration, but as a supporter of the principles of their common creed.

But just at this time a new and exciting question was thrown into the sea of politics, now subsiding from its troubled state to one of calm and repose, and again its waters were agitated with the fury of the tempest. In 1832, the bill to recharter the United States Bank was vetoed by President Jackson, and at the ensuing election he was again chosen the chief magistrate of the nation. This decision of the American people in his favor, as it was construed by himself and his friends, emboldened him to urge forward measures which he had probably long had in contemplation; and this he was the better able to do, in consequence of the adjustment of the tariff question.

That General Jackson was a firm patriot—sincerely attached to the liberties and the institutions of his country, none can deny. Mr. Calhoun did not question this, but under the influence of the personal animosity which had been kindled, and the strong bias which induced him to look with disfavor on everything emanating from the administration, he thought he saw an attempt on the part of the president to strengthen the executive power and patronage, and to wield the influence which these gave him for corrupt purposes. Much as the views of the former may have been colored by prejudice, he was sincere in his convictions, and he was more confirmed in them by the removal of the deposits from the Bank of the United States in the fall of 1833, by order of President Jackson.

When Congress assembled in December of that year, this question was the engrossing topic of discussion, and throughout the whole session it was the main subject of debate. The friends of the administration did not deny that it was a high-handed act, but they justified it on the score of necessity. They charged that the Bank had leagued with stock interests and politicians to control the elections; that it had spent large sums of money to that end and to secure its recharter; and that it was no longer a safe depository of the public moneys. These charges were not then sustained by such proof as admitted of no question or dispute though there was much to uphold them, and they were afterward proven to be true on the final failure of the Bank, as rechartered by the state of Pennsylvania.

Mr. Calhoun, therefore, was not satisfied of the truth of the charges: he took them as not proven; and believing the removal of the deposits to be inconsistent with the provisions of law requiring or directing the public funds to be collected, distributed, and kept, through and by the Bank as the fiscal agent of government, he looked upon this proceeding as a gross act of executive usurpation. This seemed to him to be more obvious because the president had recommended the removal at the previous session of Congress, but that body had refused by a strong vote to approve of his recommendation. It is true, however, that a new House of Representatives had since been chosen who were favorable, as the sequel showed, to the removal of the deposits.

In December, 1833, Mr. Clay introduced resolutions into the Senate censuring the president in the severest

terms, and declaring that he had assumed authority and power not conferred by the Constitution and laws, but in derogation of both. This resolution, together with another condemning the Secretary of the Treasury for making the removal, received the support of Mr. Calhoun. Yet he was no friend to the Bank, and in an able speech delivered on the 13th of January, 1834, he declared that the real question was not, as was insisted by the friends of the administration, "Bank or no Bank." "Taking the deposit question in the broadest sense," he said; "suppose, as it is contended by the friends of the administration, that it involves the renewal of the charter, and, consequently, the existence of the Bank itself, still the banking system would stand almost untouched and unimpaired. Four hundred banks would still remain scattered over this wide republic, and on the ruins of the United States Bank many would rise to be added to the present list. Under this aspect of the subject, the only possible question that would be presented for consideration would be, whether the banking system was more safe, more beneficial, or more constitutional, with or without the United States Bank.

"If," continued Mr. Calhoun, "this was a question of Bank or no Bank—if it involved the existence of the banking system, it would, indeed, be a great question—one of the first magnitude; and, with my present impression, long entertained and daily increasing, I would hesitate—long hesitate—before I would be found under the banner of the system. I have great doubts, if doubts they may be called, as to the soundness and tendency of the whole system, in all its modifications.

I have great fears that it will be found hostile to liberty and the advance of civilization—fatally hostile to liberty in our country, where the system exists in its worst and most dangerous form. Of all institutions affecting the great question of the distribution of wealth —a question least explored, and the most important of any in the whole range of political economy—the banking institution has, if not the greatest, one of the greatest, and, I fear, most pernicious influence on the mode of distribution. Were the question really before us, I would not shun the responsibility, as great as it might be, of freely and fully offering my sentiments on these deeply-important points; but as it is, I must content myself with the few remarks which I have thrown out."

It will be seen from the foregoing remarks that Mr. Calhoun's matured opinions were decidedly adverse to a national bank. He regarded such an institution as an engine of consolidation, to be tolerated only for the time as a means of regulating the currency, which consisted mainly of bank paper receivable for government dues; for so long as that was so receivable, he held that government was bound to regulate it. Upon the removal of the deposits, they had been confided to the custody of a number of banks selected in different parts of the country by the Secretary of the Treasury. The true question then, as Mr. Calhoun thought, was not in regard to a national bank, but whether a league of selected banks should be substituted for a single institution, and he decidedly preferred one to one hundred. He also argued that the president had in fact created an immense bank, and would thereby control the currency of the country.

"What, then," said he, "is the real question which now agitates the country? I answer, it is a struggle between the executive and legislative departments of the government; a struggle, not in relation to the existence of the Bank, but whether Congress or the President should have the power to create a bank, and, through it, the consequent control over the currency of the country. This is the real question. Let us not deceive ourselves. This league, this association, vivified and sustained by receiving the deposits of the public money, and having their notes converted, by being received everywhere by the treasury, into the common currency of the country, is, to all intents and purposes, a bank of the United States —the executive bank of the United States, as distinguished from that of Congress. However it might fail to perform satisfactorily the useful functions of the Bank of the United States, as incorporated by law, it would outstrip it—far outstrip it—in all its dangerous qualities, in extending the power, the influence, and the corruption of the government. It was impossible to conceive any institution more admirably calculated to advance these objects. Not only the selected banks, but the whole banking institutions of the country, and with it the entire money power, for the purpose of speculation, peculation, and corruption, would be placed under the control of the executive. A system of menaces and promises will be established: of menace to the banks in possession of the deposits, but which might not be entirely subservient to executive views, and of promise of future favors to those who may not as yet enjoy its favors. Between the two, the banks would be left without honor or honesty, and a system

of speculation and stock-jobbing would commence, unequalled in the annals of our country."

At this early period, had he been left free to act, by the condition of the country and the state of the currency, as his judgment dictated, he would have favored an entire separation of the government from the banks —a measure afterward proposed under the name of the Independent Treasury. Nay, at this very time a proposition of that character was brought forward by General Gordon, a member of the House and a State Rights man, after a consultation with Mr. Calhoun and other friends, but it did not receive a favorable vote. The views of Mr. Calhoun, however, were presented with great distinctness in his speech. "So long," he remarked, "as the question is one between a bank of the United States, incorporated by Congress, and that system of banks which has been created by the will of the executive, it is an insult to the understanding to discourse on the pernicious tendency and unconstitutionality of the Bank of the United States. To bring up that question fairly and legitimately, you must go one step further: you must *divorce the government and the bank.* You must refuse all connection with banks. You must neither receive, nor pay away bank-notes; you must go back to the old system of the strong box, and of gold and silver. If you have a right to receive bank-notes at all—to treat them as money by receiving them in your dues, or paying them away to creditors, you have a right to create a bank. Whatever the government receives and treats as money, is money in effect; and if it be money, then they have the right, under the Constitution, to regulate it. Nay, they are

bound by high obligation to adopt the most efficient means, according to the nature of that which they have recognized as money, to give it the utmost stability and uniformity of value. And if it be in the shape of bank-notes, the most efficient means of giving those qualities is a Bank of the United States, incorporated by Congress. Unless you give the highest practical uniformity to the value of bank-notes—so long as you receive them in your dues, and treat them as money, you violate that provision of the Constitution which provides that taxation shall be uniform throughout the United States. There is no other alternative, I repeat; you must *divorce the government entirely from the banking system*, or, if not, you are bound to incorporate a bank, as the only safe and efficient means of giving stability and uniformity to the currency. And should the deposits not be restored, and the present illegal and unconstitutional connection between the executive and the league of banks continue, I shall feel it my duty, if no one else moves, to introduce a measure to prohibit government from receiving or touching bank-notes in any shape whatever, as the only means left of giving safety and stability to the currency, and saving the country from corruption and ruin."

But Mr. Calhoun also saw and pointed out what he thought to be the true cause of the removal of the deposits. He attributed it to the desire of the executive to control the immense surplus revenue which had accumulated under the high tariff system for political purposes; and he did not hesitate to condemn the legislation which had superinduced this state of things. "What," he asked, "is the cause of the present usurpa-

tion of power on the part of the executive? what the motive? the temptation which has induced it to seize on the deposits? What, but the large surplus revenue? the eight or ten millions in the public treasury beyond the wants of the government? And what has put so large an amount of money in the treasury when not needed? I answer, the protective system: that system which graduated the duties, not in reference to the wants of the government, but in reference to the importunities and demands of the manufacturers, and which poured millions of dollars into the treasury beyond the most profuse demands and even the extravagance of the government—taken—unlawfully taken—from the pockets of those who honestly made it. I hold that those who make are entitled to what they make against all the world except the government, and against it except to the extent of its legitimate and constitutional wants; and that for the government to take one cent more is robbery. In violation of this sacred principle, *Congress first* removed the money by high duties, unjustly and unconstitutionally imposed, from the pockets of those who made it, where it was rightfully placed by all laws, human and divine, into the treasury. The executive, in his turn, following the example, has taken them from that deposit, and distributed them among favorite and partisan banks. The means used have been the same in both cases. The Constitution gives to Congress the power to lay duties, with a view to revenue. This power, without regarding the object for which it was intended, forgetting that it was a great trust power, necessarily limited, by the very nature of such powers, to the subject and the

object of the trust, was perverted to a use never intended, that of protecting the industry of one portion of the country at the expense of another; and, under this false interpretation, the money was transferred from its natural and just deposit, the pockets of those who made it, into the public treasury, as I have stated. In this, too, the executive followed the example of Congress. By the magic construction of a few simple words—'unless otherwise ordered'—intended to confer on the Secretary of the Treasury a limited power—to give additional security to the public deposits, he has, in like manner, perverted this power, and made it the instrument, by similar sophistry, of drawing the money from the treasury, and bestowing it, as I have stated, on favorite and partisan banks. Would to God, said Mr. C., would to God I could reverse the whole of this nefarious operation, and terminate the controversy by returning the money to the pockets of the honest and industrious citizens, by the sweat of whose brows it was made, with whom only it can be rightfully deposited. But as this cannot be done, I must content myself by giving a vote to return it to the public treasury, where it was ordered to be deposited by an act of the Legislature."

Entertaining these views, it will not appear at all inconsistent in Mr. Calhoun, that he favored a proposition to re-charter the United States Bank at this session. In a speech upon a proposition made by Mr. Webster to renew the charter of the Bank for six years, he reviewed the whole question of the currency, showed its unsoundness, and proposed to continue the bank for twelve years, in order, as he said, to "*unbank the*

banks,"—or in other words to restore a sound currency, and then to do away with the pernicious banking system, at least so far as it had any connection with the general government.

Having approved of the resolutions condemning the removal of the deposits, Mr. Calhoun was also totally opposed to the reception of the protest of President Jackson. He repeatedly declared, however, that he was unconnected with either party, and when the opposition assumed the name of "whigs" in the winter of 1834, he expressly disclaimed, in his place in the Senate, all title to the appellation on the part of himself and his State Rights friends. He was a State Rights man, he said; he wished to be nothing more, and would be content with nothing less. At the session of 1833–34, he supported the bill raising the relative value of gold compared with silver commonly called the "Gold Bill," and the bill to establish branch mints, both of which were favorite measures of the administration. These he voted for, because they were calculated to aid in securing the great end he hoped to accomplish—the restoration of a sound currency. Consistency with his cherished principles required this course, and where these were at stake he never hesitated to come to their defence.

Yet upon minor questions he usually acted with the opposition. He utterly repudiated the idea of any alliance with them, but as he had been attacked, sometimes far too grossly, in the administration prints, he voted for the most part with the opposition members upon appointments and the election of committees and officers.

The vast surplus revenue which had accumulated

was a constant source of apprehension to him. He feared the power which it would give to the president, and at the session of 1834–35, a special committee of nine members was raised, on his motion, in order to inquire into the extent of the executive patronage, and the expediency and practicability of reducing it. He was the chairman of the committee, and made an able report, showing the great danger to be apprehended from the surplus, which he estimated to be nine millions of dollars annually. All parties now saw the fearful evil occasioned by the gradual but slow reduction of the high duties, and the enormous sales of the public lands which took place during that speculating era. The surplus on deposit with the banks furnished vast facilities for business operations, whether mere speculative or otherwise, and the volume of the currency was being rapidly expanded. As a remedy for the evil, the administration proposed either to absorb the surplus by expenditures for military defences or other works of general welfare, or, in the second place, to vest it in government stocks. Mr. Calhoun did not approve of either measure, because, as he thought, that the first would increase the executive patronage, and pave the way for excessive expenditures, for which another high tariff would eventually be required ; and that the second would entangle the government with state stocks.

He therefore favored the proposition to regulate the deposits with the banks, and to deposit the surplus with the states. A bill making provision for this regulation of the deposit banks, and the disposition of the surplus, passed Congress in June, 1836, which received his vote, and under the circumstances, his entire approval. He

would gladly have favored any feasible project to restore the money to the people who had been taxed to this extent, but he saw this was impossible, and therefore supported the deposit measure as the only alternative.

The term of service for which Mr. Calhoun had been originally chosen expired in March, 1835, but at the session of the legislature previous, he was chosen for a second term by a large and flattering vote. South Carolina placed too high an estimate on his past services to part with them so soon, and he was too warmly attached to her to desire to be released from his position.

At the session of 1835–36, Mr. Calhoun voted against the favorite measure of Mr. Clay, to distribute the proceeds of the public lands among the states, as he never failed to do when this question was presented, in whatsoever shape or form it assumed.

During this session, also, another important question occupied Mr. Calhoun's attention. This was the subject of the reception of abolition petitions. Societies had been organized in the northern and middle states for the avowed purpose of procuring the abolition of slavery in the District of Columbia, with the intention doubtless of effecting the same thing ultimately in the southern states. Presses were purchased, and newspapers and pamphlets issued, teeming with the foulest abuse and the most calumnious and unfounded accusations—all directed against the owners of slaves. Petitions of the same character with the newspapers and pamphlets were also put in circulation, signed, and forwarded to Washington for presentation in one or other of the two Houses of Congress.

Viewing these fanatical efforts,—however well intentioned might be the motives of those concerned in them who acted from what he deemed considerations of false philanthropy and benevolence,—as being decidedly dangerous in their tendency as respected the peace and security of the slave-holding states, he resisted them at the outset. He was always in favor, as he expressed it, of meeting "the enemy on the frontier." In February, 1836, he made an able report from a select committee appointed to consider that portion of the president's message recommending the adoption of efficient measures to prevent the circulation of incendiary publications or abolition petitions, pamphlets, &c., through the mails. This report was accompanied by a bill, which he supported in an earnest and powerful speech delivered on the twelfth of April, 1836.* A difficulty now arose upon this question. The northern Whigs were in great part inclined to favor the abolitionists, and the Republicans were the reverse; but both parties in Congress thought it would be advisable not to reject the petitions on the subject of abolitionism. The Republican members especially, were apprehensive that the rejection would be regarded by their constituents as a denial of the right of petition, and this would raise a new issue that might injure them as a party. Mr. Calhoun earnestly combated this idea, and in February, 1837, he delivered another speech on the subject of the reception of abolition petitions, in which he explained their incendiary character, and pointed out the offensive and insulting language used toward the slaveholding states.

* The bill was ordered to a third reading by the casting vote of the vice-president (Mr. Van Buren), but did not finally, become a law.

SPEECH ON THE RECEPTION OF ABOLITION PETITIONS.

If the time of the Senate permitted, I should feel it to be my duty to call for the reading of the mass of petitions on the table, in order that we might know what language they hold towards the slave-holding states and their institutions; but as it will not, I have selected indiscriminately from the pile, two: one from those in manuscript, and the other from the printed; and, without knowing their contents, will call for the reading of them, so that we may judge, by them, of the character of the whole.

(Here the Secretary, on the call of Mr. Calhoun, read the two petitions.)

Such, (resumed Mr. C.,) is the language held towards us and ours; the peculiar institution of the South, that on the maintenance of which the very existence of the slaveholding states depends, is pronounced to be sinful and odious, in the sight of God and man; and this with a systematic design of rendering us hateful in the eyes of the world, with a view to a general crusade against us and our institutions. This, too, in the legislative halls of the Union, created by these confederated states for the better protection of their peace, their safety, and their respective institutions; and yet we, the representatives of twelve of these sovereign states against whom this deadly war is waged, are expected to sit here in silence, hearing ourselves and our constituents day after day denounced, without uttering a word; if we but open our lips, the charge of agitation is resounded on all sides, and we are held up as seeking to aggravate the evil which we resist. Every reflecting mind must see in all this a state of things deeply and dangerously diseased.

I do not belong, said Mr. C., to the school which holds that aggression is to be met by concession. Mine is the opposite creed, which teaches that encroachments must be met at the beginning, and that those who act on the opposite principle are prepared to become slaves. In this case, in particular, I hold concession or compromise to be fatal. If we concede an inch, concession would follow concession—compromise would follow compromise, until our ranks would be so broken that effectual resistance would be impossible. We must meet the enemy on the frontier, with a fixed determination of maintaining our position at every hazard. Consent to receive these insulting petitions, and the next demand will be that they be referred to a committee, in order that they may be deliberated and acted upon. At the last session, we were

modestly asked to receive them simply to lay them on the table, without any view of ulterior action. I then told the senator from Pennsylvania (Mr. Buchanan), who strongly urged that course in the Senate, that it was a position that could not be maintained; as the argument in favor of acting on the petitions, if we were bound to receive, could not be resisted. I then said that the next step would be to refer the petition to a committee, and I already see indications that such is now the intention. If we yield, that will be followed by another, and we would thus proceed, step by step, to the final consummation of the object of these petitions. We are now told that the most effectual mode of arresting the progress of abolition is to reason it down: and with this view, it is urged that the petitions ought to be referred to a committee. That is the very ground which was taken at the last session in the other house; but, instead of arresting its progress, it has since advanced more rapidly than ever. The most unquestionable right may be rendered doubtful if once admitted to be a subject of controversy, and that would be the case in the present instance. The subject is beyond the jurisdiction of Congress —they have no right to touch it in any shape or form, or to make it the subject of deliberation or discussion.

In opposition to this view, it is urged that Congress is bound by the Constitution to receive petitions in every case and on every subject, whether within its constitutional competency or not. I hold the doctrine to be absurd, and do solemnly believe that it would be as easy to prove that it has the right to abolish slavery, as that it is bound to receive petitions for that purpose. The very existence of the rule that requires a question to be put on the reception of petitions, is conclusive to show that there is no such obligation. It has been a standing rule from the commencement of the government, and clearly shows the sense of those who formed the Constitution on this point. The question on the reception would be absurd, if, as is contended, we are bound to receive: but I do not intend to argue the question; I discussed it fully at the last session, and the arguments then advanced neither have nor can be answered.

As widely as this incendiary spirit has spread, it has not yet infected this body, or the great mass of the intelligent and business portion of the North; but unless it be speedily stopped, it will spread and work upward till it brings the two great sections of the Union into deadly conflict. This is not a new impression with me. Several years since, in a discussion with one of the senators from Massachusetts (Mr.

Webster), before this fell spirit had showed itself, I then predicted that the doctrine of the proclamation and the force bill—that this government had a right, in the last resort, to determine the extent of its own powers, and enforce it at the point of the bayonet, which was so warmly maintained by that senator—would at no distant day arouse the dormant spirit of Abolitionism; I told him that the doctrine was tantamount to the assumption of unlimited power on the part of the government, and that such would be the impression on the public mind in a large portion of the Union. The consequence would be inevitable—a large portion of the Northern States believed slavery to be a sin, and would believe it to be an obligation of conscience to abolish it, if they should feel themselves in any degree responsible for its continuance, and that his doctrine would necessarily lead to the belief of such responsibility. I then predicted that it would commence, as it has, with this fanatical portion of society; and that they would begin their operation on the ignorant, the weak, the young, and the thoughtless, and would gradually extend upward till they became strong enough to obtain political control, when he, and others holding the highest stations in society, would, however reluctant, be compelled to yield to their doctrine, or be driven into obscurity. But four years have since elapsed, and all this is already in a course of regular fulfilment.

Standing at the point of time at which we have now arrived, it will not be more difficult to trace the course of future events now than it was then. Those who imagine that the spirit now abroad in the North will die away of itself without a shock or convulsion, have formed a very inadequate conception of its real character; it will continue to rise and spread, unless prompt and efficient measures to stay its progress be adopted. Already it has taken possession of the pulpit, of the schools, and, to a considerable extent, of the press; those great instruments by which the mind of the rising generation will be formed.

However sound the great body of the non-slaveholding states are at present, in the course of a few years they will be succeeded by those who have been taught to hate the people and institutions of nearly one half of this Union, with a hatred more deadly than one hostile nation ever entertained towards another. It is easy to see the end. By the necessary course of events, if left to themselves, we must become, finally, two people. It is impossible, under the deadly hatred which must spring up between the two great sections, if the present causes are permitted to operate unchecked, that we should continue under the same

political system. The conflicting elements would burst the Union asunder, as powerful as are the links which hold it together. Abolition and the Union cannot coexist. As the friend of the Union, I openly proclaim it, and the sooner it is known the better. The former may now be controlled, but in a short time it will be beyond the power of man to arrest the course of events. We of the South will not, cannot surrender our institutions. To maintain the existing relations between the two races inhabiting that section of the Union is indispensable to the peace and happiness of both. It cannot be subverted without drenching the country in blood, and extirpating one or other of the races. Be it good or bad, it has grown up with our societies and institutions, and is so interwoven with them that to destroy it would be to destroy us as a people. But let me not be understood as admitting, even by implication, that the existing relations between the two races, in the slaveholding states, is an evil: far otherwise; I hold it to be a good, as it has thus far proven itself to be, to both, and will continue to prove so, if not disturbed by the fell spirit of abolition. I appeal to facts. Never before has the black race of Central Africa, from the dawn of history to the present day, attained a condition so civilized and so improved, not only physically, but morally and intellectually. It came among us in a low, degraded, and savage condition, and, in the course of a few generations, it has grown up under the fostering care of our institutions, as reviled as they have been, to its present comparative civilized condition. This, with the rapid increase of numbers, is conclusive proof of the general happiness of the race, in spite of all the exaggerated tales to the contrary.

In the mean time, the white or European race has not degenerated. It has kept pace with its brethren in other sections of the Union where slavery does not exist. It is odious to make comparison; but I appeal to all sides whether the South is not equal in virtue, intelligence, patriotism, courage, disinterestedness, and all the high qualities which adorn our nature. I ask whether we have not contributed our full share of talents and political wisdom in forming and sustaining this political fabric: and whether we have not constantly inclined most strongly to the side of liberty, and been the first to see, and first to resist, the encroachments of power. In one thing only are we inferior —the arts of gain; we acknowledge that we are less wealthy than the Northern section of this Union, but I trace this mainly to the fiscal action of this government, which has extracted much from, and spent

little among us. Had it been the reverse—if the exaction had been from the other section, and the expenditure with us—this point of superiority would not be against us now, as it was not at the formation of this government.

But I take higher ground. I hold that, in the present state of civilization, where two races of different origin, and distinguished by color, and other physical differences, as well as intellectual, are brought together, the relation now existing in the slaveholding states between the two is, instead of an evil, a good—a positive good. I feel myself called upon to speak freely upon the subject, where the honor and interests of those I represent are involved. I hold, then, that there never has yet existed a wealthy and civilized society in which one portion of the community did not, in point of fact, live on the labor of the other. Broad and general as is this assertion, it is fully borne out by history. This is not the proper occasion, but if it were, it would not be difficult to trace the various devices by which the wealth of all civilized communities has been so unequally divided, and to show by what means so small a share has been allotted to those by whose labor it was produced, and so large a share given to the non-producing class. The devices are almost innumerable, from the brute force and gross superstition of ancient times, to the subtle and artful fiscal contrivances of modern. I might well challenge a comparison between them and the more direct, simple, and patriarchal mode by which the labor of the African race is among us commanded by the European. I may say, with truth, that in few countries so much is left to the share of the laborer, and so little exacted from him, or where there is more kind attention to him in sickness or infirmities of age. Compare his condition with the tenants of the poor-houses in the most civilized portions of Europe—look at the sick, and the old and infirm slave, on the one hand, in the midst of his family and friends, under the kind superintending care of his master and mistress, and compare it with the forlorn and wretched condition of the pauper in the poor-house. But I will not dwell on this aspect of the question: I turn to the political; and here I fearlessly assert, that the existing relation between the two races in the South, against which these blind fanatics are waging war, forms the most solid and durable foundation on which to rear free and stable political institutions. It is useless to disguise the fact. There is, and always has been, in an advanced stage of wealth and civilization, a conflict between labor and capital. The condition of society in the

South exempts us from the disorders and dangers resulting from this conflict; and which explains why it is that the political condition of the slaveholding states has been so much more stable and quiet than those of the North. The advantages of the former, in this respect, will become more and more manifest, if left undisturbed by interference from without, as the country advances in wealth and numbers. We have, in fact, but just entered that condition of society where the strength and durability of our political institutions are to be tested; and I venture nothing in predicting that the experience of the next generation will fully test how vastly more favorable our condition of society is to that of other sections for free and stable institutions, provided we are not disturbed by the interference of others, or shall have sufficient intelligence and spirit to resist promptly and successfully such interference. It rests with ourselves to meet and repel them. I look not for aid to this government, or to the other states; not but there are kind feelings towards us on the part of the great body of the non-slaveholding states; but, as kind as their feelings may be, we may rest assured that no political party in those states will risk their ascendency for our safety. If we do not defend ourselves, none will defend us; if we yield, we will be more and more pressed as we recede; and, if we submit, we will be trampled under foot. Be assured that emancipation itself would not satisfy these fanatics: that gained, the next step would be to raise the negroes to a social and political equality with the whites; and, that being effected, we would soon find the present condition of the two races reversed. They, and their Northern allies, would be the masters, and we the slaves; the condition of the white race in the British West India Islands, as bad as it is, would be happiness to ours; there the mother-country is interested in sustaining the supremacy of the European race. It is true that the authority of the former master is destroyed, but the African will there still be a slave, not to individuals, but to the community—forced to labor, not by the authority of the overseer, but by the bayonet of the soldiery and the rod of the civil magistrate.

Surrounded, as the slaveholding states are, with such imminent perils, I rejoice to think that our means of defence are ample, if we shall prove to have the intelligence and spirit to see and apply them before it is too late. All we want is concert, to lay aside all party differences, and unite with zeal and energy in repelling approaching dangers. Let there be concert of action, and we shall find ample means of security

without resorting to secession or disunion. I speak with full knowledge and a thorough examination of the subject, and, for one, see my way clearly. One thing alarms me—the eager pursuit of gain which overspreads the land, and which absorbs every faculty of the mind and every feeling of the heart. Of all passions, avarice is the most blind and compromising—the last to see, and the first to yield to danger. I dare not hope that anything I can say will arouse the South to a due sense of danger; I fear it is beyond the power of mortal voice to awaken it in time from the fatal security into which it has fallen.

So conclusive were the objections urged by Mr. Calhoun, and so powerfully were they presented, that a majority of the Senate came partly over to him, and it was agreed that the motion to receive petitions of this character should be laid upon the table, which has been the rule uniformly adopted since that time.

In January, 1837, Mr. Calhoun made another very able speech in opposition to the admission of the state of Michigan,—his opposition being based entirely upon the ground, that there had been no regular convention held to approve the terms of admission prescribed by Congress.

Meanwhile Mr. Van Buren had been elected to the presidency of the United States. Mr. Calhoun was comparatively a silent spectator of the contest. He adhered to his old position of neutrality, and advised his friends in South Carolina not to vote for either of the Whig candidates, Judge White or Mr. Clay, and in other states he recommended their support of the former. South Carolina gave her vote for Willie P. Mangum and John Tyler, both State Rights men.

The inaugural message of Mr. Van Buren, particularly so far as it related to the abolition excitement, was entirely satisfactory to Mr. Calhoun. A few

weeks passed, and the terrible commercial revulsion of 1837 swept over the country as with the besom of destruction. Mr. Calhoun had long anticipated this disaster, and had advised his friends engaged in trade or connected with banks to reef their sails before the blast of the tempest came in its fury upon them. Congress was now called together by executive proclamation, and commenced their session on the 4th day of September. Previous to this time it had been intimated that the president would recommend an entire separation of the government from the banks, and in a letter witten from Edgefield, when on his way to Washington, Mr. Calhoun signified his intention to support the administration if such should be their course.

As had been predicted, Mr. Van Buren recommended the divorce of bank and state, which had already taken place in point of fact by the suspension of specie payments on the part of the banks; and in a speech on a bill providing for the issue of treasury notes, delivered on the 19th of September, and in the following speech on the main question, delivered on the 3d day of October, Mr. Calhoun fully indicated his intentions to go with the administration, and to secure an entire separation of the government from the banks:—

SPEECH IN FAVOR OF A SEPARATION OF THE GOVERNMENT FROM THE BANKS.

Mr. President: In reviewing this discussion, I have been struck with the fact, that the argument on the opposite side has been limited, almost exclusively, to the questions of relief and the currency. These are, undoubtedly, important questions, and well deserving the deliberate consideration of the Senate; but there are other questions involved in

this issue of a far more elevated character, which more imperiously demand our attention. The banks have ceased to be mere moneyed incorporations. They have become great political institutions, with vast influence over the welfare of the community; so much so, that a highly distinguished senator (Mr. Clay) has declared, in his place, that the question of the disunion of the government and the banks involved in its consequences the disunion of the states themselves. With this declaration sounding in our ears, it is time to look into the origin of a system which has already acquired such mighty influence; to inquire into the causes which have produced it, and whether they are still on the increase; in what they will terminate, if left to themselves; and, finally, whether the system is favorable to the permanency of our free institutions; to the industry and business of the country; and above all, to the moral and intellectual development of the community. I feel the vast importance and magnitude of these topics, as well as their great delicacy. I shall touch them with extreme reluctance, and only because I believe them to belong to the occasion, and that it would be a dereliction of public duty to withhold any opinion, which I have deliberately formed, on the subject under discussion.

The rise and progress of the banking system is one of the most remarkable and curious phenomena of modern times. Its origin is modern and humble, and gave no indication of the extraordinary growth and influence which it was destined to attain. It dates back to 1609, the year that the Bank of Amsterdam was established. Other banking institutions preceded it; but they were insulated, and not immediately connected with the systems which have since sprung up, and which may be distinctly traced to that bank, which was a bank of deposit—a mere storehouse—established under the authority of that great commercial metropolis, for the purpose of safe-keeping the precious metals, and facilitating the vast system of exchanges which then centred there. The whole system was the most simple and beautiful that can be imagined. The depositor, on delivering his bullion or coin in store, received a credit, estimated at the standard value on the books of the bank, and a certificate of deposit for the amount, which was transferable from hand to hand, and entitled the holder to withdraw the deposit on payment of a moderate fee for the expense and hazard of safe-keeping. These certificates became, in fact, the circulating medium of the community, performing, as it were, the hazard and drudgery, while the precious metals, which they, in truth, represented, guilder for

guilder, lay quietly in store, without being exposed to the wear and tear, or losses incidental to actual use. It was thus a paper currency was created, having all the solidity, safety, and uniformity of a metallic, with the facility belonging to that of paper. The whole arrangement was admirable, and worthy of the strong sense and downright honesty of the people with whom it originated.

Out of this, which may be called the first era of the system, grew the bank of deposit, discount, and circulation—a great and mighty change, destined to effect a revolution in the condition of modern society. It is not difficult to explain how the one system should spring from the other, notwithstanding the striking dissimilarity in features and character between the offspring and the parent. A vast sum, not less than three millions sterling, accumulated and remained habitually in deposit in the Bank of Amsterdam, the place of the returned certificates being constantly supplied by new depositors. With so vast a standing deposit, it required but little reflection to perceive that a very large portion of it might be withdrawn, and that a sufficient amount would be still left to meet the returning certificates; or, what would be the same in effect, that an equal amount of fictitious certificates might be issued beyond the sum actually deposited. Either process, if interest be charged on the deposits withdrawn, or the fictitious certificates issued, would be a near approach to a bank of discount. This once seen, it required but little reflection to perceive that the same process would be equally applicable to a capital placed in bank as stock; and from that the transition was easy to issuing bank-notes payable on demand, on bills of exchange, or promissory notes, having but a short time to run. These, combined, constitute the elements of a bank of discount, deposit, and circulation.

Modern ingenuity and dishonesty would not have been long in perceiving and turning such advantages to account; but the faculties of the plain Belgian were either too blunt to perceive, or his honesty too stern to avail himself of them. To his honor, there is reason to believe, notwithstanding the temptation, the deposits were sacredly kept, and that for every certificate in circulation, there was a corresponding amount in bullion or coin in store. It was reserved for another people, either more ingenious or less scrupulous, to make the change.

The Bank of England was incorporated in 1694, eighty-five years after that of Amsterdam, and was the first bank of deposit, discount, and circulation. Its capital was £1,200,000, consisting wholly of gov-

ernment stock, bearing an interest of eight per cent. per annum. Its notes were received in the dues of the government, and the public revenue was deposited in the bank. It was authorized to circulate exchequer bills, and make loans to government. Let us pause for a moment, and contemplate this complex and potent machine, under its various character and functions.

As a bank of deposit, it was authorized to receive deposits, not simply for safe-keeping, to be returned when demanded by the depositor, but to be used and loaned out for the benefit of the institution, care being taken always to be provided with the means of returning an equal amount, when demanded. As a bank of discount and circulation, it issued its notes on the faith of its capital stock and deposits, or discounted bills of exchange and promissory notes backed by responsible endorsers, charging an interest something greater than was authorized by law to be charged on loans; and thus allowing it, for the use of its credit, a higher rate of compensation than what individuals were authorized to receive for the use and hazard of money or capital loaned out. It will, perhaps, place this point in a clear light, if we should consider the transaction in its true character, not as a loan, but as a mere exchange of credit. In discounting, the bank takes, in the shape of a promissory note, the credit of an individual so good that another, equally responsible, endorses his note for nothing, and gives out its credit in the form of a bank-note. The transaction is obviously a mere exchange of credit. If the drawer and endorser break, the loss is the Bank's; but if the Bank breaks, the loss falls on the community; and yet this transaction, so dissimilar, is confounded with a loan, and the bank permitted to charge, on a mere exchange of credit, in which the hazard of the breaking of the drawer and endorser is incurred by the Bank, and that of the Bank by the community, a higher sum than the legal rate of interest on a loan; in which, besides the use of his capital, the hazard is all on the side of the lender.

Turning from these to the advantages which it derived from its connection with the government, we shall find them not less striking. Among the first of these in importance is the fact of its notes being received in the dues of the government, by which the credit of the government was added to that of the Bank, which added so greatly to the increase of its circulation. These, again, when collected by the government, were placed in deposit in the Bank; thus giving to it not only the profit resulting from their abstraction from circulation,

from the time of collecting till disbursement, but also that from the use of the public deposits in the interval. To complete the picture, the Bank, in its capacity of lender to the government, in fact paid its own notes, which rested on the faith of the government stock, on which it was drawing eight per cent.; so that, in truth, it but loaned to the government its own credit.

Such were the extraordinary advantages conferred on this institution, and of which it had an exclusive monopoly; and these are the causes which gave such an extraordinary impulse to its growth and influence, that it increased in a little more than a hundred years—from 1694, when the second era of the system commenced, with the establishment of the Bank of England, to 1797, when it terminated—from 1,200,000*l.* to nearly 11,000,000*l.*, and this mainly by the addition to its capital through loans to the government above the profits of its annual dividends. Before entering on the third era of the system, I pause to make a few reflections on the second.

I am struck, in casting my eyes over it, to find that, notwithstanding the great dissimilarity of features which the system had assumed in passing from a mere bank of deposit, to that of deposit, discount, and circulation, the operation of the latter was confounded, throughout this long period, as it regards the effects on the currency, with the bank of deposit. Its notes were universally regarded as representing gold and silver, and as depending on that representation exclusively for their circulation; as much so as did the certificates of deposit in the original Bank of Amsterdam. No one supposed that they could retain their credit for a moment after they ceased to be convertible into the metals on demand; nor were they supposed to have the effect of increasing the aggregate amount of the currency; nor, of course, of increasing prices. In a word, they were in the public mind as completely identified with the metallic currency as if every note in circulation had laid up in the vaults of the Bank an equal amount, pound for pound, into which all its paper could be converted the moment it was presented.

All this was a great delusion. The issues of the Bank *never did represent, from the first*, the precious metals. Instead of *the representatives*, its notes were, in reality, the *substitute* for coin. Instead of being the mere drudges, performing all the out-door service, while the coins reposed at ease in the vaults of the banks, free from wear and tear, and the hazard of loss or destruction, as did the certificates of deposit in the original Bank of Amsterdam, they substituted, degraded, and

banished the coins. Every note circulated became the substitute of so much coin, and dispensed with it in circulation, and thereby depreciated the value of the precious metals, and increased their consumption in the same proportion; while it diminished in the same degree the supply, by rendering mining less profitable. The system assumed gold and silver as the basis of its circulation; and yet, by the laws of its nature, just as it increased its circulation, in the same degree the foundation on which the system stood was weakened. The consumption of the metals increased, and the supply diminished. As the weight of the superstructure increased, just in the same proportion its foundation was undermined and weakened. Thus the germ of destruction was implanted in the system at its birth; has expanded with its growth, and must terminate, finally, in its dissolution, unless, indeed, it should, by some transition, entirely change its nature, and pass into some other and entirely different organic form. The conflict between bank circulation and metallic (though not perceived in the first stage of the system, when they were supposed to be indissolubly connected) is mortal; one or the other must perish in the struggle. Such is the decree of fate; it is irreversible.

Near the close of the second era, the system passed the Atlantic, and took root in our country, where it found the soil still more fertile, and the climate more congenial than even in the parent country. The Bank of North America was established in 1781, with a capital of $400,000, and bearing all the features of its prototype, the Bank of England. In the short space of a little more than half a century, the system has expanded from one bank to about eight hundred, including branches (no one knows the exact number, so rapid the increase), and from a capital of less than half a million to about $300,000,000, without, apparently, exhausting or diminishing its capacity to increase. So accelerated has been its growth with us, from causes which I explained on a former occasion,* that already it has approached a point much nearer the limits beyond which the system, in its present form, cannot advance, than in England.

During the year 1797, the Bank of England suspended specie payments; an event destined, by its consequences, to effect a revolution in public opinion in relation to the system, and to accelerate the period

* See Speech on Mr. Webster's motion to renew the charter of the United States Bank in 1834.

which must determine its fate. England was then engaged in that gigantic struggle which originated in the French Revolution, and her financial operations were on the most extended scale, followed by a corresponding increase in the action of the Bank, as her fiscal agent. It sunk under its over-action. Specie payments were suspended. Panic and dismay spread through the land—so deep and durable was the impression that the credit of the Bank depended exclusively on the punctuality of its payments.

In the midst of the alarm, an act of Parliament was passed making the notes of the Bank a legal tender; and, to the surprise of all, the institution proceeded on, apparently without any diminution of its credit. Its notes circulated freely as ever, and without any depreciation, for a time, compared with gold and silver; and continued so to do for upward of twenty years, with an average diminution of about one per cent. per annum. This shock did much to dispel the delusion that bank-notes represented gold and silver, and that they circulated in consequence of such representation, but without entirely obliterating the old impression which had taken such strong hold on the public mind. The credit of its notes during the suspension was generally attributed to the tender act, and the great and united resources of the Bank and the government.

But an event followed of the same kind, under circumstances entirely different, which did more than any preceding to shed light on the true nature of the system, and to unfold its vast capacity to sustain itself without exterior aid. We finally became involved in the mighty struggle that had so long desolated Europe and enriched our country. War was declared against Great Britain in 1812, and in the short space of one year our feeble banking system sunk under the increased fiscal action of government. I was then a member of the other house, and had taken my full share of responsibility in the measures which had led to that result. I shall never forget the sensation which the suspension, and the certain anticipation of the prostration of the currency of the country, as a consequence, excited in my mind. We could resort to no tender act; we had no great central regulating power, like the Bank of England; and the credit and resources of the government were comparatively small. Under such circumstances, I looked forward to a sudden and great depreciation of bank-notes, and that they would fall speedily as low as the old continental money. Guess my surprise when I saw them sustain their credit with scarcely any depreciation,

for a time, from the shock. I distinctly recollect when I first asked myself the question, What was the cause? and which directed my inquiry into the extraordinary phenomenon. I soon saw that the system contained within itself a self-sustaining power; that there was between the banks and the community, mutually, the relation of debtor and creditor, there being at all times something more due to the banks from the community than from the latter to the former. I saw, in this reciprocal relation of debts and credits, that the demand of the banks on the community was greater than the amount of their notes in circulation could meet: and that, consequently, so long as their debtors were solvent, and bound to pay at short periods, their notes could not fail to be at or near a par with gold and silver. I also saw that, as their debtors were principally the merchants, they would take bank-notes to meet their bank debts, and that that which the merchant and the government, who are the great money-dealers, take, the rest of the community would also take. Seeing all this, I clearly perceived that self-sustaining principle which poised the system, self-balanced, like some celestial body, moving with scarcely a perceptible deviation from its path, from the concussion it had received.

Shortly after the termination of the war, specie payments were coerced with us by the establishment of a National Bank, and a few years afterward, in Great Britain, by an act of Parliament. In both countries the restoration was followed by wide-spread distress, as it always must be when effected by coercion; for the simple reason that banks cannot pay unless their debtors first pay, and that to coerce the banks compels them to coerce their debtors before they have the means to pay. Their failure must be the consequence; and this involves the failure of the banks themselves, carrying with it universal distress. Hence I am opposed to all kinds of coercion, and am in favor of leaving the disease to time, with the action of public sentiment and the states, to which the banks are alone responsible.

But to proceed with my narrative. Although specie payments were restored, and the system apparently placed where it was before the suspension, the great capacity it proved to possess of sustaining itself without specie payments, was not forgot by those who had its direction. The impression that it was indispensable to the circulation of bank-notes that they should represent the precious metals, was almost obliterated; and the latter *were regarded rather as restrictions on the free and profitable operation of the system than as the means of its security*

Hence a feeling of opposition to gold and silver gradually grew up on the part of the banks, which created an *esprit du corps*, followed by a moral resistance to specie payments, if I may so express myself, which in fact suspended, in a great degree, the conversion of their notes into the precious metals, long before the present suspension. With the growth of this feeling, banking business assumed a bolder character, and its profits were proportionably enlarged, and with it the tendency of the system to increase kept pace. The effect of this soon displayed itself in a striking manner, which was followed by very important consequences, which I shall next explain.

It so happened that the charters of the Bank of England and the late Bank of the United States expired about the same time. As the period approached, a feeling of hostility, growing out of the causes just explained, which had excited a strong desire in the community, who could not participate in the profits of these two great monopolies, to throw off their restraint, began to disclose itself against both institutions. In Great Britain it terminated in breaking down the exclusive monopoly of the Bank of England, and narrowing greatly the specie basis of the system, by making the notes of the Bank of England a legal tender in all cases, except between it and its creditors. A sudden and vast increase of the system, with a great diminution of the metallic basis in proportion to banking transactions, followed, which has shocked and weakened the stability of the system there. With us the result was different. The Bank fell under the hostility of the government. All restraint on the system was removed, and banks shot up in every direction almost instantly, under the growing impulse which I have explained, and which, with the causes I stated when I first addressed the Senate on this question, is the cause of the present catastrophe.

With it commences the fourth era of the system, which we have just entered—an era of struggle, and conflict, and changes. The system can advance no farther in our country, without great and radical changes. It has come to a stand. The conflict between metallic and bank currency, which I have shown to be inherent in the system, has, in the course of time, and with the progress of events, become so deadly that they must separate, and one or the other fall. The degradation of the value of the metals, and their almost entire expulsion from their appropriate sphere as the medium of exchange and the standard of value, have gone so far, under the necessary operation of the system,

that they are no longer sufficient to form the basis of the widely-extended system of banking. From the first, the gravitation of the system has been *in one direction—to dispense with the use of the metals;* and hence the descent from a bank of deposit to one of discount; and hence, from being the representative, their notes have become the substitute for gold and silver; and hence, finally, its present tendency to a mere paper engine, totally separated from the metals. One law has steadily governed the system throughout—the enlargement of its profits and influence; and, as a consequence, as metallic currency became insufficient for circulation, it has become, in its progress, insufficient for the basis of banking operations; so much so, that, if specie payments were restored, it would be but nominal, and the system would in a few years, on the first adverse current, sink down again into its present helpless condition. Nothing can prevent it but great and radical changes, which would diminish its profits and influence, so as effectually to arrest that strong and deep current which has carried so much of the wealth and capital of the community in that direction. Without that, the system, as now constituted, must fall; unless, indeed, it can form an alliance with the government, and through it establish its authority by law, and make its credit, unconnected with gold and silver, the medium of circulation. If the alliance should take place, one of the first movements would be the establishment of a great central institution; or, if that should prove impracticable, a combination of a few selected and powerful state banks, which, sustained by the government, would crush or subject the weaker, to be followed by an amendment of the Constitution, or some other device, to limit their number and the amount of their capital hereafter. This done, the next step would be to confine and consolidate the supremacy of the system over the currency of the country, which would be in its hands exclusively, and, through it, over the industry, business, and politics of the country; all of which would be wielded to advance its profits and powers.

The system having now arrived at this point, the great and solemn duty devolves on us to determine this day what relation this government shall hereafter bear to it. Shall we enter into an alliance with it and become the sharers of its fortune and the instrument of its aggrandizement and supremacy? This is the momentous question on which we must now decide. Before we decide, it behooves us to inquire whether the system is favorable to the permanency of our free republican institutions, to the industry and business of the country, and, above

all, to our moral and intellectual development, the great object for which we were placed here by the Author of our being.

Can it be doubted what must be the effects of a system whose operations have been shown to be so unequal on free institutions, whose foundation rests on an equality of rights? Can that favor equality which gives to one portion of the citizens and the country such decided advantages over the other, as I have shown it does in my opening remarks? Can that be favorable to liberty which concentrates the money power, and places it under the control of a few powerful and wealthy individuals? It is the remark of a profound statesman, that the revenue is the state; and, of course, those who control the revenue control the state; and those who can control the money power can control the revenue, and through it the state, with the property and industry of the country, in all its ramifications. Let us pause for a moment, and reflect on the nature and extent of this tremendous power.

The currency of a country is to the community what the blood is to the human system. It constitutes a small part, but it circulates through every portion, and is indispensable to all the functions of life. The currency bears even a smaller proportion to the aggregate capital of the community than what the blood does to the solids in the human system. What that proportion is, has not been, and perhaps cannot be, accurately ascertained, as it is probably subject to considerable variations. It is, however, probably between twenty-five and thirty-five to one. I will assume it to be thirty to one. With this assumption let us suppose a community whose aggregate capital is $31,000,000; its currency would be, by supposition, one million, and the residue of its capital thirty millions. This being assumed, if the currency be increased or decreased, the other portion of the capital remaining the same, according to the well-known laws of currency, property would rise or fall with the increase or decrease: that is, if the currency be increased to two millions, the aggregate value of property would rise to sixty millions; and, if the currency be reduced to $500,000, it would be reduced to fifteen millions. With this law so well established, place the money power in the hands of a single individual, or a combination of individuals, and they, by expanding or contracting the currency, may raise or sink prices at pleasure; and by purchasing when at the greatest depression, and selling at the greatest elevation, may command the whole property and industry of the community, and control its fiscal operations. The banking system concentrates and places this power in

the hands of those who control it, and its force increases just in proportion as it dispenses with a metallic basis. Never was an engine invented better calculated to place the destiny of the many in the hands of the few, or less favorable to that equality and independence which lies at the bottom of our free institutions.

These views have a bearing not less decisive on the next inquiry—the effects of the system on the industry and wealth of the country. Whatever may have been its effects in this respect in its early stages, it is difficult to imagine anything more mischievous on all of the pursuits of life than the frequent and sudden expansions and contractions, to which it has now become so habitually subject that it may be considered its ordinary condition. None but those in the secret know what to do. All are pausing and looking out to ascertain whether an expansion or contraction is next to follow, and what will be its extent and duration; and if, perchance, an error be committed—if it expands when a contraction is expected, or the reverse—the most prudent may lose by the miscalculation the fruits of a life of toil and care. The consequence is, to discourage industry, and to convert the whole community into stock-jobbers and speculators. The evil is constantly on the increase, and must continue to increase just as the banking system becomes more diseased, till it shall become utterly intolerable.

But its most fatal effects originate in its bearing on the moral and intellectual development of the community. The great principle of demand and supply governs the moral and intellectual world no less than the business and commercial. If a community be so constituted as to cause a demand for high mental attainments, or if its honors and rewards are allotted to pursuits that require their development, by creating a demand for intelligence, knowledge, wisdom, justice, firmness, courage, patriotism, and the like, they are sure to be produced. But if, on the contrary, they be allotted to pursuits that require inferior qualities, the higher are sure to decay and perish. I object to the banking system, because it allots the honors and rewards of the community, in a very undue proportion to a pursuit the least of all favorable to the development of the higher mental qualities, intellectual or moral, to the decay of the learned professions, and the more noble pursuits of science, literature, philosophy, and statesmanship, and the great and more useful pursuits of business and industry. With the vast increase of its profits and influence, it is gradually concentrating in itself most of the prizes of life — wealth, honor, and influence, to the great disparagement and degrada-

tion of all the liberal, and useful, and generous pursuits of society. The rising generation cannot but feel its deadening influence. The youths who crowd our colleges, and behold the road to honor and distinction terminating in a banking-house, will feel the spirit of emulation decay within them, and will no longer be pressed forward by generous ardor to mount up the rugged steep of science as the road to honor and distinction, when, perhaps, the highest point they could attain, in what was once the most honorable and influential of all the learned professions, would be the place of attorney to a bank.

Nearly four years since, on the question of the removal of the deposits, although I was opposed to the removal, and in favor of their restoration, because I believed it to be illegal, yet, foreseeing what was coming, and not wishing there should be any mistake as to my opinion on the banking system, I stated here in my place what that opinion was. I declared that I had long entertained doubts, if doubts they might be called, which were daily increasing, that the system made the worst possible distribution of the wealth of the community, and that it would ultimately be found hostile to the farther advancement of civilization and liberty. This declaration was not lightly made; and I have now unfolded the grounds on which it rested, and which subsequent events and reflection have matured into a settled conviction.

With all these consequences before us, shall we restore the broken connection? Shall we again unite the government with the system? And what are the arguments opposed to these high and weighty objections? Instead of meeting them and denying their truth, or opposing others of equal weight, a rabble of objections (I can call them by no better name) are urged against the separation: one currency for the government, and another for the people; separation of the people from the government; taking care of the government, and not of the people; and a whole fraternity of others of like character. When I first saw them advanced in the columns of a newspaper, I could not but smile, in thinking how admirably they were suited to an electioneering canvass. They have a certain plausibility about them, which makes them troublesome to an opponent simply because they are merely plausible, without containing one particle of reason. I little expected to meet them in discussion in this place; but since they have been gravely introduced here, respect for the place and company exacts a passing notice, to which, of themselves, they are not entitled.

I begin with that which is first pushed forward, and seems to be most

relied on—one currency for the government and another for the people. Is it meant that the government must take in payment of its debts whatever the people take in payment of theirs? If so, it is a very broad proposition, and would lead to important consequences. The people now receive the notes of non-specie-paying banks. Is it meant that the government should also receive them? They receive in change all sorts of paper, issued by we know not whom. Must the government also receive them? They receive the notes of banks issuing notes under five, ten, and twenty dollars. Is it intended that the government shall also permanently receive them? They receive bills of exchange. Shall government, too, receive them? If not, I ask the reason. Is it because they are not suitable for a sound, stable, and uniform currency? The reason is good: but what becomes of the principle, that the government ought to take whatever the people take? But I go farther. It is the duty of government to receive nothing in its dues that it has not the right to render uniform and stable in its value. We are, by the Constitution, made the guardian of the money of the country. For this the right of coining and regulating the value of coins was given, and we have no right whatever to receive or treat anything as money, or the equivalent of money, the value of which we have no right to regulate. If this principle be true, and it cannot be controverted, I ask, What right has Congress to receive and treat the notes of the state banks as money? If the states have the right to incorporate banks, what right has Congress to regulate them or their issues? Show me the power in the Constitution. If the right be admitted, what are its limitations, and how can the right of subjecting them to a bankrupt law in that case be denied? If one be admitted, the other follows as a consequence; and yet those who are most indignant against the proposition of subjecting the state banks to a bankrupt law, are the most clamorous to receive their notes, not seeing that the one power involves the other. I am equally opposed to both, as unconstitutional and inexpedient. We are next told, to separate from the banks is to separate from the people. The banks, then, are the people, and the people the banks—united, identified, and inseparable; and as the government belongs to the people, it follows, of course, according to this argument, it belongs also to the banks, and, of course, is bound to do their biddings. I feel on so grave a subject, and in so grave a body, an almost invincible repugnance in replying to such arguments: and I shall hasten over the only remaining one of the fraternity which I shall condescend to notice with all

possible despatch. They have no right of admission here, and, if I were disposed to jest on so solemn an occasion, I should say they ought to be driven from this chamber, under the 47th rule.* The next of these formidable objections to the separation from the banks is, that the government, in so doing, takes care of itself, and not of the people. Why, I had supposed that the government belonged to the people: that it was created by them for their own use, to promote their interest, and secure their peace and liberty: that, in taking care of itself, it takes the most effectual care of the people; and in refusing all embarrassing, entangling, and dangerous alliances with corporations of any description, it was but obeying the great law of self-preservation. But enough; I cannot any longer waste words on such objections. I intend no disrespect to those who have urged them; yet these, and arguments like these, are mainly relied on to countervail the many and formidable objections, drawn from the highest considerations that can influence the action of governments or individuals, none of which have been refuted and many not even denied.

The senator from Massachusetts (Mr. Webster) urged an argument of a very different character, but which, in my opinion, he entirely failed to establish. He asserted that the ground assumed on this side was an entire abandonment of a great constitutional function conferred by the Constitution on Congress. To establish this, he laid down the proposition, that Congress was bound to take care of the money of the country. Agreed; and with this view the Constitution confers on us the right of coining and regulating the value of coins, in order to supply the country with money of proper standard and value; and is it an abandonment of this right to take care, as this bill does, that it shall not be expelled from circulation, as far as the fiscal action of this government extends? But having taken this unquestionable position, the senator passed (by what means he did not condescend to explain) from taking care of the money of the country to the right of establishing a currency, and then to the right of establishing a bank currency, as I understood him. On both of these points I leave him in the hands of the senator from Pennsylvania (Mr. Buchanan), who, in an able and constitutional argument, completely demolished, in my judgment, the position assumed by the senator from Massachusetts. I rejoice to hear such an argument

* It is the rule regulating the admission of persons in the lobby of the Senate.

from such a quarter. The return of the great state of Pennsylvania to the doctrines of rigid construction and state rights sheds a ray of light on the thick darkness which has long surrounded us.

But we are told that there is not gold and silver enough to fill the channels of circulation, and that prices would fall. Be it so. What is that, compared to the dangers which menace on the opposite side? But are we so certain that there is not a sufficiency of the precious metals for the purpose of circulation? Look at France, with her abundant supply, with her channels of circulation full to overflowing with coins, and her flourishing industry. It is true that our supply is insufficient at present. How could it be otherwise? The banking system has degraded and expelled the metals—driven them to foreign lands—closed the mines, and converted their products into costly vases, and splendid utensils and ornaments, administering to the pride and luxury of the opulent, instead of being employed as the standard of value, and the instrument of making exchanges, as they were manifestly intended mainly to be by an all-wise Providence. Restore them to their proper functions, and they will return from their banishment; the mines will again be opened, and the gorgeous splendor of wealth will again reassume the more humble, but useful, form of coins.

But, Mr. President, I am not driven to such alternatives. I am not the enemy, but the friend of credit—not as the substitute, but the associate and the assistant of the metals. In that capacity, I hold credit to possess, in many respects, a vast superiority over the metals themselves. I object to it in the form which it has assumed in the banking system, for reasons that are neither light nor few, and that neither have nor can be answered. The question is not whether credit can be dispensed with, but what is its best possible form—the most stable, the least liable to abuse, and the most convenient and cheap. I threw out some ideas on this important subject in my opening remarks. I have heard nothing to change my opinion. I believe that government credit, in the form I suggested, combines all the requisite qualities of a credit circulation in the highest degree, and also that government ought not to use any other credit but its own in its financial operations. When the senator from Massachusetts made his attack on my suggestions, I was disappointed. I expected argument, and he gave us denunciation. It is often easy to denounce, when it is hard to refute; and when that senator gives denunciations instead of arguments, I conclude that it is because the one is at his command, and the other not.

We are told the form I suggested is but a repetition of the old Continental money—a ghost that is ever conjured up by all who wish to give the banks an exclusive monopoly of government credit. The assertion is not true: there is not the least analogy between them. The one was a promise to pay when there was no revenue, and the other a promise to receive in the dues of government when there is an abundant revenue.

We are also told that there is no instance of a government paper that did not depreciate. In reply, I affirm that there is none, assuming the form I propose, that ever did depreciate. Whenever a paper receivable in the dues of government had anything like a fair trial, it has succeeded. Instance the case of North Carolina, referred to in my opening remarks. The draughts of the treasury at this moment, with all their encumbrance, are nearly at par with gold and silver; and I might add the instance alluded to by the distinguished senator from Kentucky, in which he admits that, as soon as the excess of the issues of the Commonwealth Bank of Kentucky were reduced to the proper point, its notes rose to par. The case of Russia might also be mentioned. In 1827, she had a fixed paper circulation, in the form of bank-notes, but which were inconvertible, of upward of $120,000,000, estimated in the metallic ruble, and which had for years remained without fluctuation, having nothing to sustain it but that it was received in the dues of the government, and that, too, with a revenue of only about $90,000,000 annually. I speak on the authority of a respectable traveller. Other instances, no doubt, might be added, but it needs no such support. How can a paper depreciate which the government is bound to receive in all its payments, and while those to whom payments are to be made are under no obligation to receive it? From its nature, it can only circulate when at par with gold and silver; and if it should depreciate, none could be injured but the government.

But my colleague objects that it would partake of the increase and decrease of the revenue, and would be subject to greater expansion and contractions than bank-notes themselves. He assumes that government would increase the amount with the increase of the revenue, which is not probable, for the aid of its credit would be then less needed; but if it did, what would be the effect? On the decrease of the revenue, its bills would be returned to the treasury, from which, for the want of demand, they could not be reissued; and the excess, instead of hanging on the circulation, as in the case of bank-notes, and exposing it to catas-

trophes like the present, would be gradually and silently withdrawn, without shock or injury to any one. It has another and striking advantage over bank circulation—in its superior cheapness, as well as greater stability and safety. Bank paper is cheap to those who make it, but dear, very dear, to those who use it—fully as much so as gold and silver. It is the little cost of its manufacture, and the dear rates at which it is furnished to the community, which give the great profit to those who have a monopoly of the article. Some idea may be formed of the extent of the profit by the splendid palaces which we see under the name of banking-houses, and the vast fortunes which have been accumulated in this branch of business; all of which must ultimately be derived from the productive powers of the community, and, of course, adds so much to the cost of production. On the other hand, the credit of government, while it would greatly facilitate its financial operations, would cost nothing, or next to nothing, both to it and the people, and, of course, would add nothing to the cost of production, which would give every branch of our industry, agriculture, commerce, and manufactures, as far as its circulation might extend, great advantages both at home and abroad.

But there remains another and great advantage. In the event of war, it would open almost unbounded resources to carry it on, without the necessity of resorting to what I am almost disposed to call a fraud —public loans. I have already shown that the loans of the Bank of England to the government were very little more than loaning back to the government its own credit; and this is more or less true of all loans, where the banking system prevails. It was preëminently so in our late war. The circulation of the government credit, in the shape of bills receivable exclusively with gold and silver in its dues, and the sales of public lands, would dispense with the necessity of loans, by increasing its bills with the increase of taxes. The increase of taxes, and, of course, of revenue and expenditures, would be followed by an increased demand for government bills, while the latter would furnish the means of paying the taxes, without increasing, in the same degree, the pressure on the community. This, with a judicious system of funding, at a low rate of interest, would go far to exempt the government from the necessity of contracting public loans in the event of war.

I am not, Mr. President, ignorant, in making these suggestions (I wish them to be considered only in that light), to what violent opposition every measure of the kind must be exposed. Banks have been so

long in the possession of government credit, that they very naturally conclude they have an exclusive right to it, and consider the withdrawal of it, even for the use of the goverment itself, as a positive injury. It was my fortune to take a stand on the side of the government against the banks during the most trying period of the late war—the winter of 1814 and 1815—and never in my life was I exposed to more calumny and abuse—no, not even on this occasion. It was my first lesson on the subject. I shall never forget it. I propose to give a very brief narrative of the scenes through which I then passed; not with any feeling of egotism, for I trust I am incapable of that, but to illustrate the truth of much I have said, and to snatch from oblivion not an unimportant portion of our financial history. I see the senators from Massachusetts (Mr. Webster) and of Alabama (Mr. King), who were then members of the House of Representatives, in their places, and they can vouch for the correctness of my narrative, as far as the memory of transactions so long passed will serve.

The finances of the country had, at that time, fallen into great confusion. Mr. Campbell had retired from the head of the treasury, and the late Mr. Dallas had succeeded—a man of talents, bold and decisive, but inexperienced in the affairs of the department. His first measure to restore order, and to furnish the supplies to carry on the war, was to recommend a bank of $50,000,000, to be constituted almost exclusively of the new stocks which had been issued during the war, to the exclusion of the old, which had been issued before. The proposed bank was authorized to make loans to the government, and was not bound to pay specie during the war, and for three years after its termination.

It so happened that I did not arrive here till some time after the commencement of the session, having been detained by an attack of billious fever. I had taken a prominent part in the declaration of the war, and had every motive and disposition to sustain the administration, and to vote every aid to carry on the war. Immediately after my arrival, I had a full conversation with Mr. Dallas, at his request. I entertained very kind feelings towards him, and assured him, after he had explained his plan, that I would give it my early and favorable attention. At that time I had reflected but little on the subject of banking. Many of my political friends expressed a desire that I should take a prominent part in favor of the proposed bank. Their extreme anxiety aroused my attention, and, being on no committee (they had been ap-

pointed before my arrival), I took up the subject for a full investigation, with every disposition to give it my support. I had not proceeded far before I was struck with the extraordinary character of the project: a bank of $50,000,000, whose capital was to consist almost exclusively of government credit in the shape of stock, and not bound to pay its debts during the war, and for three years afterward, to furnish the government with loans to carry on the war! I saw at once that the effect of the arrangement would be, that government would borrow back its own credit, and pay six per cent. per annum for what they had already paid eight or nine. It was impossible for me to give it my support under any pressure, however great. I felt the difficulty of my situation, not only in opposing the leading measure of the administration at such a crisis, but, what was far more responsible, to suggest one of my own, that would afford relief to the embarrassed treasury. I cast my eyes around, and soon saw that the government should use its own credit directly, without the intervention of a bank; which I proposed to do in the form of treasury notes, to be issued in the operations of the government, and to be funded in the subscription to the stock of the bank. Treasury notes were, at that time, below par, even with bank paper. The opposition to them was so great on the part of the banks, that they refused to receive them on deposit, or payment, at par with their notes; while the government, on its part, received and paid away notes of the banks at par with its own. Such was the influence of the banks, and to such degradation did the government, in its weakness, submit. All this influence I had to encounter with the entire weight of the administration thrown into the same scale. I hesitated not. I saw the path of duty clearly, and determined to tread it, as sharp and rugged as it was. When the bill came up, I moved my amendment, the main features of which were, that, instead of government stock already issued, the capital of the bank should consist of funded treasury notes; and that, instead of a mere paper machine, it should be a specie-paying bank, so as to be an ally instead of an opponent, in restoring the currency to a sound condition on the return of peace. These were, with me, indispensable conditions. I accompanied my amendment with a short speech of fifteen or twenty minutes, and so overpowering was the force of truth, that, notwithstanding the influence of the administration, backed by the money power, and the Committee of Ways and Means, which was unanimous, with one exception, as I understood, my amendment prevailed by a large majority; but it, in turn, failed—the opposi-

tion, the adherents of the administration, and those who had constitutional scruples, combined against it. Then followed various, but unsuccessful, attempts to charter a bank. One was vetoed by the President, and another was lost by the casting vote of the speaker (Mr. Cheves). After a large portion of the session was thus unsuccessfully consumed, a caucus was called, in order to agree on some plan, to which I and the few friends who still adhered to me after such hard service, were especially invited. We, of course, attended. The plan of compromise was unfolded, which approached much nearer to our views, but which was still objectionable in some features. I objected, and required farther concessions, which were refused, and was told the bill could be passed without us; at which I took up my hat and bade good-night. The bill was introduced in the Senate, and speedily passed that body. On the second reading, I rose and made a few remarks, in which I entreated the house to remember that they were about to vote for the measure against their conviction, as had been frequently expressed; and that, in so doing, they acted under a supposed necessity, which had been created by those who expected to profit by the measure. I then reminded them of the danger of acting under such pressure; and I said that they were so sensible of the truth of what I uttered, that, if peace should arrive before the passage of the bill, it would not receive the support of fifteen members. I concluded by saying that I would reserve what I intended to say on the question of the passage of the bill, when I would express my opinion at length, and appeal to the country. My objections, as yet, had not gone to the people, as nothing that I had said had been reported—such was my solicitude to defeat the bill without extending our divisions beyond the walls of the house, in the then critical condition of the country. My object was to arrest the measure, and not to weaken confidence in the administration.

In making the supposition, I had not the slightest anticipation of peace. England had been making extensive preparations for the ensuing campaign, and had made a vigorous attack on New Orleans, but had just been repelled; but, by a most remarkable coincidence, an opportunity (as strange as it may seem) was afforded to test the truth of what I have said. Late in the evening of the day I met Mr. Sturges, then a member of Congress from Connecticut. He said that he had some information which he could not withhold from me; that a treaty of peace had been made; and that it had actually arrived in New York, and would be here the next day, so that I would have an

opportunity of testing the truth of my prediction. He added, that his brother, who had a mercantile house in New York, had forwarded the information to him by express, and that he had forwarded the information to connected houses in Southern cities, with direction to purchase the great staples in that quarter, and that he wished me to consider the information as confidential. I thanked him for the intelligence, and promised to keep it to myself. The rumor, however, got out, and the next day an attempt was made to pass through the bill; but the house was unwilling to act till it could ascertain whether a treaty had been made. It arrived in the course of the day, when, on my motion, it was laid on the table; and I had the gratification of receiving the thanks of many for defeating the bill, who, a short time before, were almost ready to cut my throat for my persevering opposition to the measure. An offer was then made to me to come to my terms, which I refused, declaring that I would rise in my demand, and would agree to no bill which should not be formed expressly with the view to the speedy restoration of specie payments. It was afterward postponed, on the conviction that it could not be so modified as to make it acceptable to a majority. This was my first lesson on banks. It has made a durable impression on my mind.

My colleague, in the course of his remarks, said he regarded this measure as a secret war waged against the banks. I am sure he could not intend to attribute such motives to me. I wage no war, secret or open, against the existing institutions. They have been created by the legislation of the states, and are alone responsible to the states. I hold them not answerable for the present state of things, which has been brought about under the silent operation of time, without attracting notice or disclosing its danger. Whatever legal or constitutional rights they possess under their charters ought to be respected; and, if attacked, I would defend them as resolutely as I now oppose the system. Against that I wage, not secret, but open and uncompromising hostilities, originating not in opinions recently or hastily formed. I have long seen the true character of the system, its tendency and destiny, and have looked forward for many years, as many of my friends know, to the crisis in the midst of which we now are. My ardent wish has been to effect a gradual change in the banking system, by which the crisis might be passed without a shock, if possible; but I have been resolved for many years, that should it arrive in my time, I would discharge my duty, however great the difficulty and danger.

I have thus far faithfully performed it, according to the best of my abilities, and, with the blessing of God, shall persist, regardless of every obstacle, with equal fidelity, to the end.

He who does not see that the credit system is on the eve of a great revolution, has formed a very imperfect conception of the past and anticipation of the future. What changes it is destined to undergo, and what new form it will ultimately assume, are concealed in the womb of time, and not given us to foresee. But we may perceive in the present many of the elements of the existing system which must be expelled, and others which must enter it in its renewed form.

In looking at the elements at work, I hold it certain, that in the process there will be a total and final separation of the credit of government and that of individuals, which have been so long blended. The good of society, and the interests of both, imperiously demand it, and the growing intelligence of the age will enforce it. It is unfair, unjust, unequal, contrary to the spirit of free institutions, and corrupting in its consequences. How far the credit of government may be used in a separate form, with safety and convenience, remains to be seen. To the extent of its fiscal action, limited strictly to the function of the collection and disbursement of its revenue, and in the form I have suggested, I am of the impression it may be both safely and conveniently used, and with great incidental advantages to the whole community. Beyond that limit I see no safety, and much danger.

What form individual credit will assume after the separation, is still more uncertain, but I see clearly that the existing fetters that restrain it will be thrown off. The credit of an individual is his property, and belongs to him as much as his land and houses, to use it as he pleases, with the single restriction, which is imposed on all our rights, that it is not to be used so as to injure others. What limitations this restriction may prescribe, time and experience will show; but, whatever they may be, they ought to assume the character of general laws, obligatory on all alike, and open to all; and under the provisions of which all may be at liberty to use their credit, jointly or separately, as freely as they now use their land and houses, without any preference by special acts, in any form or shape, to one over another. Everything like monopoly must ultimately disappear before the process which has begun will finally terminate.

I see, not less clearly, that, in the process, a separation will take place between the use of *capital* and the use of *credit.* They are wholly dif-

ferent, and, under the growing intelligence of the times, cannot much longer remain confounded in their present state of combination. They are as distinct as a loan and an endorsement; in fact, the one is but giving to another the use of our capital, and the other the use of our credit; and yet, so dissimilar are they, that we daily see the most prudent individuals lending their credit for nothing, in the form of endorsement or security, who would not loan the most inconsiderable sum without interest. But as dissimilar as they are, they are completely confounded in banking operations, which is one of the main sources of the profit, and the consequent dangerous flow of capital in that direction. A bank discount, instead of a loan, is very little more, as I have shown, than a mere *exchange of credit*—an exchange of the joint credit of the drawer and endorser of the note discounted for the credit of the bank in the shape of its own note. In the exchange, the bank insures the parties to the note discounted, and the community, which is the loser if the bank fails, virtually insures the bank; and yet, by confounding this exchange of credit with the use of capital, the bank is permitted to charge an interest for this exchange, rather greater than an individual is permitted to charge for a loan, to the great gain of the bank and loss to the community. I say loss, for the community can never enjoy the great and full benefit of the credit system, till loans and credit are considered as entirely distinct in their nature, and the compensation for the use of each be adjusted to their respective nature and character. Nothing would give a greater impulse to all the business of society. The superior cheapness of credit would add incalculably to the productive powers of the community, when the immense gains which are now made by confounding them shall come in aid of production.

Whatever other changes the credit system is destined to undergo, these are certainly some which it must; but when, and how the revolution will end—whether it is destined to be sudden and convulsive, or gradual and free from shock, time alone can disclose. *Much will depend on the decision of the present question, and the course which the advocates of the system will pursue.* If the separation takes place, and is acquiesced in by those interested in the system, the prospect will be, that it will gradually and quietly run down, without shock or convulsions, which is my sincere prayer; but if not—if the reverse shall be insisted on, and, above all, if it should be effected through a great political struggle (it can only be so effected), the revolution would be violent and convulsive. A great and thorough change must take place. It is wholly unavoida-

ble. The public attention begins to be roused throughout the civilized world to this all-absorbing subject. There is nothing left to be controlled but the mode and manner, and it is *better for all* that it should be gradual and quiet than the reverse. All the rest is destiny.

I have now, Mr. President, said what I intended, without reserve or disguise. In taking the stand I have, I change no relation, personal or political, nor alter any opinion I have heretofore expressed or entertained. I desire nothing from the government or the people. My only ambition is to do my duty, and shall follow whatever that may lead, regardless alike of attachments or antipathies, personal or political. I know full well the responsibility I have assumed. I see clearly the magnitude and the hazard of the crisis, and the danger of confiding the execution of measures in which I take so deep a responsibility, to those in whom I have no reason to have any special confidence. But all this deters me not when I believe that the permanent interest of the country is involved. My course is fixed. I go forward. If the administration recommend what I approve on this great question, I will cheerfully give my support; if not, I shall oppose; but, in opposing, I shall feel bound to suggest what I believe to be the proper measure, and which I shall be ready to back, be the responsibility what it may, looking only to the country, and not stopping to estimate whether the benefit shall inure either to the administration or the opposition.

The time to which Mr. Calhoun had looked forward with so many ardent hopes and eager expectations had at length arrived. The day of deliverance—of deliverance from the banking system—was at hand. But it dawned in the midst of sorrow and gloom. He had often predicted the commercial revulsion experienced in 1837, yet the severity of the blow exceeded his expectations. The shock convulsed the whole nation. Every commercial interest staggered, or was prostrated before it. Private individuals, banks and chartered companies, and many of the state governments even, were brought to the verge or plunged into the abyss of bankruptcy. A fictitious credit system had been built

upon the surplus revenue, which, in the vaults of the deposit banks, had served as the basis of immense loans and consequent indebtedness. The legitimate results of the high tariff policy were now witnessed. The time for payment came—it could not be evaded or postponed—and the frail fabric toppled down upon the heads of those who had reared it. The stimulus had been far too powerful, and the reäction was terrible to witness.

But the evil was not without good. The effect of the resolution of 1816 and the deposit act, by which the notes of none but specie-paying banks could be received in payment of government dues, was promptly to sever the connection between the government and the banks, because the latter had suspended specie payments throughout the country. Mr. Calhoun had never regarded the connection with favor, and he was the last man to renew it when it had once been broken off, at least when the country was at peace, and abounded in so many of the elements of prosperity.

The general government itself did not escape unscathed. So far as its interests were affected, the distribution of the revenue among the states operated unfavorably, both for the reason, that so large an amount of the basis of the currency being withdrawn, individual debtors of the United States dependent upon it were rendered bankrupt, and because, if the surplus had been expended in the purchase of state stocks, this consequence would not have been so immediate, and the stocks might have been used to sustain the government. But the surplus was no longer in the treasury, and resort was therefore had to treasury notes, and ultimately to loans. Yet this is an argument rather as to the time

than as to the effect, of certain causes, for that was sure to come sooner or later, whatever policy had been adopted.

To return to the events of the extra session in 1837: On the 14th of September, Mr. Wright of New York, as the chairman of the committee on finance, reported a bill, as recommended by Mr. Van Buren, providing for the divorce of bank and state. In its original shape, the bill contained no provision whatsoever in regard to the character of the funds to be thereafter received by government. Mr. Calhoun was not hostile to paper money, as all his speeches on this question most conclusively show; he thought the use of credit in this way to be often highly desirable, not to say necessary, in business transactions between individuals. But he was totally opposed to the reception of paper money by the government, unless it were of its own creation, such as treasury notes or something of a similar character. When the bill of Mr. Wright came before the Senate, he expressed his fears that there existed a design on the part of the administration to restore the connection with the banks by receiving their money. Mr. Wright unequivocally disavowed this intention, and Mr. Calhoun then prepared an amendment, at the suggestion of the friends of the administration, providing for the collection of the public dues in specie—the only constitutional currency.* In favor of this amendment, his second speech, heretofore given, advocating an entire separation of the government from the banks, was delivered.

Two counter propositions were brought forward; the reincorporation of a national bank, by the ultra Whigs;

* "Madison Papers," (Debates in the Convention) pp. 378, 425.

and a system of special deposits with the state banks, by a small faction which had cleaved off from the Republican or Democratic party and followed the lead of Mr. Rives, of Virginia. The bank project was lost by a vote of more than two to one, Mr. Calhoun voting with the majority against it; and Mr. Rives' plan was defeated by a vote of twenty-six to twenty-two. The Independent Treasury bill then passed the Senate with the vote of Mr. Calhoun, but failed in the House.

At the regular session commencing in December, the Sub-Treasury plan, as it was termed by its opponents, was again the prominent subject of debate and consideration. Mr. Wright once more reported a bill more perfect in its details than that presented at the extra session, and containing the specie clause. This bill was framed expressly with a view to meet Mr. Calhoun's wishes, and he gave it his cordial support. He took a prominent part in the debate, and advocated the passage of the bill in a speech delivered on the 15th of February, 1838, presenting an able and lucid array of facts and arguments in its favor; and he subsequently defended it against the attacks of Mr. Webster and Mr. Clay, in two speeches made in reply to those senators. Mr. Rives' plan was now supported by the united opposition, consisting of Whigs and Conservatives, for the reason that all hope of securing the incorporation of a national bank had been abandoned; but the attempt to substitute it for Mr. Wright's bill, was successfully resisted. Public opinion, however, was not yet arrayed on the side of this great measure; on the contrary, the misrepresentations as to its character industriously made by the friends of the banking and

stock interests, had produced a strong feeling against it even among a considerable portion of the friends of the administration who afterward approved it. Several of the state legislatures had instructed their senators to oppose the specie clause, and it was finally stricken out against the earnest remonstrances of Mr. Calhoun. He contended that the bill would prove a complete abortion without this clause, and presented this position with so much ability that no one attempted to confute his arguments, which were subsequently approved by the whole Republican party.

This bill failed to become a law, and at the ensuing session a similar bill was also defeated. But in December, 1839, a new House of Representatives came together, and there had been several changes in the Senate. The Independent Treasury was this time brought forward under more favorable auspices, and a bill again passed the Senate containing the specie clause, with the vote of Mr. Calhoun. It was sustained in the House, and on the 4th day of July, 1840, was signed by the President.

Mr. Calhoun's course with reference to the separation of the government from the banks, though perfectly consistent with his previous life and with his well-known and often expressed views upon the subject of the currency, did not escape the criticism and censure of the Whig party. In his speech in 1834, on Mr. Webster's motion to renew the charter of the United States Bank, he emphatically declared, that he was the partisan of no class—nor of either political party, "I am neither of the opposition nor administration," said he. "If I act with the former in any instance, it is

because I approve of their course on the particular occasion, and I shall always be happy to act with them when I do approve. If I oppose the administration, if I desire to see power change hands, it is because I disapprove of the general course of those in authority."

Yet in the face of this declaration, and of the fact that he had never attended the political caucuses or meetings of the opposition, he was charged with having gone over to the enemy—to the administration party. So long as these attacks were confined to the public press he took no notice of them, but when Mr. Clay repeated the charge on the floor of the Senate, and attempted to chastise him by word of mouth, Mr. Calhoun felt bound to notice it, and in his reply to the senator from Kentucky, before alluded to, he gave utterance to his feelings in a strain of indignant eloquence never surpassed in that chamber.

"Mr. Calhoun," said a writer in the Democratic Review* alluding to this debate, "has evidently taken Demosthenes for his model as a speaker—or rather, I suppose, he has studied, while young, his orations with great admiration, until they produced a decided impression upon his mind. His recent speech in defence of himself against the attacks of Mr. Clay, is precisely on the plan of the famous oration *De Corona*, delivered by the great Athenian, in vindication of himself from the elaborate and artful attacks of Æschines. While the one says: 'Athenians! to you I appeal, my judges and my witnesses!'—the other says: 'In proof of this, I appeal to you, senators, my witnesses and my judges on this occasion!' Æschines accused Demosthenes of

* April No., 1838.

having received a bribe from Philip, and the latter retorted by saying that the other had accused him of doing what he himself had notoriously done. Mr. Clay says, that Mr. Calhoun had gone over, and he left to time to disclose his motive. Mr. Calhoun retorts: "Leave it to time to disclose my motive for going over! I, who have changed no opinion, abandoned no principle, and deserted no party; I, who have stood still and maintained my ground against every difficulty, to be told that it is left to time to disclose my motive! The imputation sinks to the earth, with the groundless charge on which it rests. I stamp it, with scorn, in the dust. I pick up the dart, which fell harmless at my feet. I hurl it back. What the senator charges on me unjustly, *he has actually done.* He went over on a memorable occasion,* and did not leave it to time to disclose his motive.'"

Other charges made by Mr. Clay were repelled in similar language by Mr. Calhoun; and his conduct was justified, his consistency maintained, and his political position explained, with great clearness and ability. He said that Mr. Clay had admitted he once bore a character for stern fidelity, but insinuated that it had now been forfeited. He replied, that if he were to select an instance on which, above all others, to rest his claim to such a character, it would be his course at this crisis. A powerful party taking advantage of the pecuniary embarrassments of the country to displace the administration would be opposed to him, and he

* In allusion to the course of Mr. Clay, in the winter of 1825, with reference to the election of Mr. Adams, and his acceptance of the office of Secretary of State.

should also incur the displeasure of the whole banking interest, with the exception of some of the southern banks. Many State Rights men, too, for whom he cherished a brother's love, would not go with him. "But I saw before me," he said, "the path of duty; and, though rugged and hedged on all sides with these and many other difficulties, I did not hesitate a moment to take it. Yes, *alone*, as the senator sneeringly says. After I had made up my mind as to my course, in a conversation with a friend about the responsibility I would assume, he remarked that my own state might desert me. I replied that it was not impossible; but the result has proved that I under-estimated the intelligence and patriotism of my virtuous and noble state. I ask her pardon for the distrust implied in my answer; but I ask, with assurance it will be granted, on the grounds I shall put it—that, in being prepared to sacrifice her confidence, as dear to me as light and life, rather than disobey, on this great question, the dictates of my judgment and conscience, I proved myself not unworthy of being her representative.

"But if the senator, in attributing to me stern fidelity, meant, not devotion to principle, but to party, and especially the party of which he is so prominent a member, my answer is, that I never belonged to his party, nor owed it any fidelity; and, of course, could forfeit in reference to it, no character for fidelity. It is true, we acted in concert against what we believed to be the usurpations of the executive; and it is true that, during the time, I saw much to esteem in those with whom I acted, and contracted friendly relations with many, which I shall not be the first to forget. It is also true that a common

party designation was applied to the opposition in the aggregate, not, however, with my approbation; but it is no less true that it was universally known that it consisted of two distinct parties, dissimilar in principle and policy, except in relation to the object for which they had united: the National Republican party, and the portion of the State Rights party which had separated from the administration, on the ground that it had departed from the true principles of the original party. That I belonged exclusively to that detached portion, and to neither the opposition nor administration party, I prove by my explicit declaration, contained in one of the extracts read from my speech on the currency in 1834. That the party generally, and the state which I represent in part, stood aloof from both of the parties, may be established from the fact that they refused to mingle in the party and political contests of the day. My state withheld her electoral vote in two successive presidential elections; and, rather than bestow it on either the senator from Kentucky, or the distinguished citizen whom he opposed, in the first of those elections, she threw her vote on a patriotic citizen of Virginia, since deceased, of her own politics, but who was not a candidate; and, in the last, she refused to give it to the worthy senator from Tennessee near me (Judge White), though his principles and views of policy approached so much nearer to hers than that of the party to which the senator from Kentucky belongs. But, suppose the fact was otherwise, and that the two parties had blended so as to form one, and that I owed to the united party as much fidelity as I do to that to which I exclusively belonged; even on that supposition, no conception of

party fidelity could have controlled my course on the present occasion. I am not among those who pay no regard to party obligations; on the contrary, I place fidelity to party among the political virtues, but I assign to it a limited sphere. I confine it to matters of detail and arrangement, and to minor questions of policy. Beyond that, on all questions involving principles, or measures calculated to affect materially the permanent interests of the country, I look only to God and country.

"And here, Mr. President, I avail myself of the opportunity to declare my present political position, so that there may be no mistake hereafter. I belong to the old Republican State Rights party of 1798. To that, and that alone, I owe fidelity, and by that I shall stand through every change, and in spite of every difficulty. Its creed is to be found in the Kentucky Resolutions, and Virginia Resolutions and Report; and its policy is to confine the action of this government within the narrowest limits compatible with the peace and security of these states, and the objects for which the Union was expressly formed. I, as one of the party, shall support all who support its principles and policy, and oppose all who oppose them. I have given, and shall continue to give, the administration a hearty and sincere support on the great question now under discussion; because I regard it as in strict conformity to our creed and policy, and shall do everything in my power to sustain them under the great responsibility which they have assumed. But let me tell those who are more interested in sustaining them than myself, that the danger which threatens them lies not here, but in another quarter. This measure will tend to up-

hold them, if they stand fast and adhere to it with fidelity. But, if they wish to know where the danger is, let them look to the fiscal department of the government. I said, years ago, that we were committing an error the reverse of the great and dangerous one that was committed in 1828, and to which we owe our present difficulties, and all we have since experienced. Then, we raised the revenue greatly, when the expenditures were about to be reduced by the discharge of the public debt; and now, we have doubled the disbursements, when the revenue is rapidly decreasing: an error which, although probably not so fatal to the country, will prove, if immediate and vigorous measures be not adopted, far more so to those in power. The country will not, and ought not, to bear the creation of a new debt beyond what may be temporarily necessary to meet the present embarrassment; and any attempt to increase the duties must and ought to prove fatal to those who may make it, so long as the expenditures may, by economy and accountability, be brought within the limits of the revenue.

"But the senator did not confine his attack to my conduct and motives in reference to the present question. In his eagerness to weaken the cause I support, by destroying confidence in me, he made an indiscriminate attack on my intellectual faculties, which he characterized as metaphysical, eccentric, too much of genius, and too little of common sense, and, of course, wanting a sound and practical judgment.

"Mr. President, according to my opinion, there is nothing of which those who are endowed with superior mental faculties ought to be more cautious than to re-

proach those with their deficiency to whom Providence has been less liberal. The faculties of our mind are the immediate gift of our Creator, for which we are no farther responsible than for their proper cultivation, according to our opportunities, and their proper application to control and regulate our actions. Thus thinking, I trust I shall be the last to assume superiority on my part, or reproach any one with inferiority on his; but those who do not regard the rule when applied to others, cannot expect it to be observed when applied to themselves. The critic must expect to be criticized, and he who points out the faults of others, to have his own pointed out.

"I cannot retort on the senator the charge of being metaphysical. I cannot accuse him of possessing the powers of analysis and generalization, those higher faculties of the mind (called metaphysical by those who do not possess them) which decompose and resolve into their elements the complex masses of ideas that exist in the world of mind, as chemistry does the bodies that surround us in the material world; and without which those deep and hidden causes which are in constant action, and producing such mighty changes in the condition of society, would operate unseen and undetected. The absence of these higher qualities of mind is conspicuous throughout the whole course of the senator's public life. To this it may be traced that he prefers the specious to the solid, and the plausible to the true. To the same cause, combined with an ardent temperament, it is owing that we ever find him mounted on some popular and favorite measure, which he whips along, cheered by the shouts of the multitude,

and never dismounts till he has rode it down. Thus, at one time we find him mounted on the protective system, which he rode down; at another, on internal improvement; and now he is mounted on a bank, which will surely share the same fate, unless those who are immediately interested shall stop him in his headlong career. It is the fault of his mind to seize on a few prominent and striking advantages, and to pursue them eagerly, without looking to consequences. Thus, in the case of the protective system, he was struck with the advantages of manufactures; and, believing that high duties was the proper mode of protecting them, he pushed forward the system, without seeing that he was enriching one portion of the country at the expense of the other; corrupting the one and alienating the other; and, finally, dividing the community into two great hostile interests, which terminated in the overthrow of the system itself. So, now, he looks only to a uniform currency, and a bank as a means of securing it, without once reflecting how far the banking system has progressed, and the difficulties that impede its farther progress; that banking and politics are running together, to their mutual destruction; and that the only possible mode of saving his favorite system is to separate it from the government.

"To the defects of understanding which the senator attributes to me, I make no reply. It is for others, and not me, to determine the portion of understanding which it has pleased the Author of my being to bestow on me. It is, however, fortunate for me, that the standard by which I shall be judged is not the false, prejudiced, and, as I have shown, unfounded opinion

which the senator has expressed, but my acts. They furnish materials, neither few nor scant, to form a just estimate of my mental faculties. I have now been more than twenty-six years continuously in the service of this government, in various stations, and have taken part in almost all the great questions which have agitated this country during this long and important period. Throughout the whole I have never followed events, but have taken my stand in advance, openly and freely, avowing my opinions on all questions, and leaving it to time and experience to condemn or approve my course. Thus acting, I have often, and on great questions, separated from those with whom I usually acted; and if I am really so defective in sound and practical judgment as the senator represents, the proof, if to be found anywhere, must be found in such instances, or where I have acted on my sole responsibility. Now, I ask, In which of the many instances of the kind is such proof to be found? It is not my intention to call to the recollection of the Senate all such; but that you, senators, may judge for yourselves, it is due, in justice to myself, that I should suggest a few of the most prominent, which at the time were regarded as the senator now considers the present; and then, as now, because, where duty is involved, I would not submit to party trammels.

"I go back to the commencement of my public life, the war session, as it was usually called, of 1812, when I first took my seat in the other house, a young man without experience to guide me, and I shall select, as the first instance, the navy. At that time, the administration and the party to which I was strongly attached

were decidedly opposed to this important arm of service. It was considered anti-republican to support it; but acting with my then distinguished colleague, Mr. Cheves, who led the way, I did not hesitate to give it my hearty support, regardless of party ties. Does this instance sustain the charge of the senator?

"The next I shall select is the restrictive system of that day; the Embargo, the Non-importation and Non-intercourse Acts. This, too, was a party measure, which had been long and warmly contested, and, of course, the lines of party well drawn. Young and inexperienced as I was, I saw its defects, and resolutely opposed it almost alone of my party. The second or third speech I made, after I took my seat, was in open denunciation of the system; and I may refer to the grounds I then assumed, the truth of which have been confirmed by time and experience, with pride and confidence. This will scarcely be selected by the senator to make good his charge.

"I pass over other instances, and come to Mr. Dallas's bank of 1814–15. That, too, was a party measure. Banking was then comparatively but little understood, and it may seem astonishing, at this time, that such a project should ever have received any countenance or support. It proposed to create a bank of $50,000,000, to consist almost entirely of what was called then the war stocks; that is, the public debt created in carrying on the then war. It was provided that the bank should not pay specie during the war, and for three years after its termination, for carrying on which it was to lend the government the funds. In plain language, the government was to borrow back its

own credit from the bank, and pay to the institution six per cent. for its use. I had scarcely ever before seriously thought of banks or banking, but I clearly saw through the operation, and the danger to the government and country; and, regardless of party ties or denunciations, I opposed and defeated it in the manner I explained at the extra session. I then subjected myself to the very charge which the senator now makes; but time has done me justice, as it will in the present instance.

"Passing the intervening instances, I come down to my administration of the war department, where I acted on my own judgment and responsibility. It is known to all that the department, at the time, was perfectly disorganized, with not much less than $50,000,000 of outstanding and unsettled accounts, and the greatest confusion in every branch of service. Though without experience, I prepared, shortly after I went in, the bill for its organization, and on its passage I drew up the body of rules for carrying the act into execution, both of which remain substantially unchanged to this day. After reducing the outstanding accounts to a few millions, and introducing order and accountability in every branch of service, and bringing down the expenditure of the army from four to two and a half millions annually, without subtracting a single comfort from either officer or soldier, I left the department in a condition that might well be compared to the best in any country. If I am deficient in the qualities which the senator attributes to me, here in this mass of details and business it ought to be discovered. Will he look to this to make good his charge?

"From the war department I was transferred to the chair which you now occupy. How I acquitted myself in the discharge of its duties, I leave it to the body to decide, without adding a word. The station, from its leisure, gave me a good opportunity to study the genius of the prominent measure of the day, called then the American System, of which I profited. I soon perceived where its errors lay, and how it would operate. I clearly saw its desolating effects in one section, and corrupting influence in the other; and when I saw that it could not be arrested here, I fell back on my own state, and a blow was given to a system destined to destroy our institutions, if not overthrown, which brought it to the ground. This brings me down to the present time, and where passions and prejudices are yet too strong to make an appeal with any prospect of a fair and impartial verdict. I then transfer this, and all my subsequent acts, including the present, to the tribunal of posterity, with a perfect confidence that nothing will be found, in what I have said or done, to impeach my integrity or understanding.

"I have now, senators, repelled the attacks on me. I have settled and cancelled the debt between me and my accuser. I have not sought this controversy, nor have I shunned it when forced on me. I have acted on the defensive, and if it is to continue, which rests with the senator, I shall throughout continue so to act. I know too well the advantage of my position to surrender it. The senator commenced the controversy, and it is but right that he should be responsible for the direction it shall hereafter take. Be his determination what it may, I stand prepared to meet him."

Mr. Webster also attacked Mr. Calhoun, and charged him with deserting the opposition when victory was within their reach, and his "coöperation only was wanted to prostrate forever those in power." These few words, said Mr. Calhoun in his reply, contained the whole secret of the denunciations levelled against him; and as Mr. Webster declared that he should soon move for a renewal of the protective policy, he pointed to this declaration as furnishing, if anything had been needed, a complete justification for his course. But he would not rest the matter here. He insisted, that Mr. Webster and himself entertained irreconcilable opinions in relation to the character of the government, its principles, and its true policy; and they were in their appropriate spheres when arrayed in open hostility.

A friend who was present during the delivery of Mr. Calhoun's speech in reply to Mr. Clay, says that, although he has heard many public speakers, he never witnessed such intense earnestness, such a display of impassioned eloquence, as characterized this great effort. The keen fulgent eyes of the speaker shot lightnings at every glance, his hair stood on end, large drops of sweat rested on his brow, and every feature and muscle were alive with animation. And while this burning flood of indignation was rolling in a deluge from his lips, the audience were so completely enchained that perfect silence was preserved, and a pin might have been heard to drop in any part of the chamber; and when he declared, with a gesture suited to his words, that he hurled back the dart which had been thrown against him, the eyes of all were involuntarily turned to witness the effect of the blow.

CHAPTER XI.

Resolutions on the Subject of Abolitionism—Opinions of Mr. Calhoun—Assumption of State Debts—Bankrupt Bill—Case of the Enterprise—Support of Mr. Van Buren—Election of Harrison and Tyler—The Public Lands—Distribution—The Bank Bills—Defence of the Veto Power—Mr. Clay's Resolutions—Tariff of 1842—Ashburton Treaty.

Among the intellectual champions of the Senate, Mr. Calhoun now stood, like Gabriel, confessedly preëminent. A world-wide reputation was his; no stranger entered the chamber without seeking him out as one of the first among his compeers; and the warmest admirers of Clay and Webster willingly conceded that he was second only to the objects of their special praise. He attracted the attention, alike of friend and foe—he was "the observed of all observers."

In debate he was felt to be powerful, and none dared enter the lists against him single-handed, unless clad in armor of mailed proof. It cannot be said that he never found his match; but one thing is true—he never owned a superior.

The abolitionists had continued to increase in numbers and in influence in the northern states, and one or both parties in that section often coquetted with them at the state elections, in order to secure the success of their candidates, and not, in a majority of cases perhaps, with the view of ultimately rendering any assist-

ance in the main object which they had in view. But they were thereby emboldened to make still greater efforts; they began to feel themselves of some consequence, and to assume the airs natural to those in the position which they occupied—that of a third party, holding, in many of the states, the balance of power. Mr. Calhoun earnestly desired that the Republican party should commit themselves decidedly against the abolitionists, and with that view he offered the following resolutions at the session of 1837–8:—

RESOLUTIONS ON ABOLITIONISM.

"Resolved, That, in the adoption of the Federal Constitution, the states adopting the same acted severally as free, independent, and sovereign states; and that each, for itself, by its own voluntary assent, entered the Union with the view to its increased security against all dangers, domestic as well as foreign, and the more perfect and secure enjoyment of its advantages, natural, political, and social.

"Resolved, That, in delegating a portion of their powers to be exercised by the Federal Government, the states retained severally the exclusive and sole right over their own domestic institutions and police, and are alone responsible for them; and that any intermeddling of any one or more states, or a combination of their citizens, with the domestic institutions and police of the others, on any ground or under any pretext whatever, political, moral, or religious, with a view to their alteration or subversion, is an assumption of superiority not warranted by the Constitution, insulting to the states interfered with: tending to endanger their domestic peace and tranquillity, subversive of the objects for which the Constitution was formed, and, by necessary consequence, tending to weaken and destroy the Union itself.

"Resolved, That this Government was instituted and adopted by the several states of this Union as a common agent, in order to carry into effect the powers which they had delegated by the Constitution for their mutual security and prosperity; and that, in fulfilment of this high and sacred trust, this Government is bound so to exercise its powers as to give, as far as may be practicable, increased stability and security to the

domestic institutions of the states that compose the Union; and that it is the solemn duty of the Government to resist all attempts by one portion of the Union to use it as an instrument to attack the domestic institutions of another, or to weaken or destroy such institutions, instead of strengthening and upholding them, as it is in duty bound to do.

"Resolved, That domestic slavery, as it exists in the Southern and Western States of this Union, composes an important part of their domestic institutions, inherited from their ancestors, and existing at the adoption of the Constitution, by which it is recognized as constituting an essential element in the distribution of its powers among the states; and that no change of opinion or feeling on the part of the other states of the Union in relation to it can justify them or their citizens in open and systematic attacks thereon, with the view to its overthrow; and that all such attacks are in manifest violation of the mutual and solemn pledge to protect and defend each other, given by the states respectively on entering into the Constitutional compact which formed the Union, and, as such, is a manifest breach of faith, and a violation of the most solemn obligations, moral and religious.

"Resolved, That the intermeddling of any state or states, or their citizens, to abolish slavery in this district, or any of the territories, on the ground or under the pretext that it is immoral or sinful, or the passage of any act or measure of Congress with that view, would be a direct and dangerous attack on the institutions of all the slaveholding states.

"Resolved, That the union of these states rests on an equality of rights and advantages among its members; and that whatever destroys that equality tends to destroy the Union itself; and that it is the solemn duty of all, and more especially of this body, which represents the states in their corporate capacity, to resist all attempts to discriminate between the states in extending the benefits of the Government to the several portions of the Union; and that to refuse to extend to the Southern and Western States any advantage which would tend to strengthen or render them more secure, or increase their limits or population by the annexation of new territory or states, on the assumption or under the pretext that the institution of slavery, as it exists among them, is immoral or sinful, or otherwise obnoxious, would be contrary to that equality of rights and advantages which the Constitution was intended to secure alike to all the members of the Union, and would, in effect, disfranchise the slaveholding states, withholding them from the advantages, while it subjected them to the burdens, of the Government."

Mr. Calhoun defended his resolutions in a sort of running debate, during which he examined the relative rights, obligations, and duties, of the governments and the citizens of the slaveholding and non-slaveholding states. With some slight modifications, all the resolutions passed the Senate, except the last, which had reference obviously to the admission of Florida, opposition to which was already threatened, and to the contemplated acquisition of Texas.

While upon this subject, it will not be amiss to state, once for all, what were the opinions of Mr. Calhoun on the subject of slavery. In his view, it ought not to be considered, as it exists in the United States, in the abstract; but rather as a political institution, existing prior to the formation of the government and expressly recognized in the Constitution.* The framers of that instrument regarded slaves as property, and admitted the right of ownership in them.† The institution being thus acknowledged, he contended that the faith of all the states was pledged against any interference with it in the states in which it existed; and that in the District of Columbia, and in the territories from which slavery had not been excluded by the Missouri Compromise, being the common property of all the states, the owner of slaves enjoyed the same rights and was entitled to the same protection, if he chose to emigrate thither, or if already a resident, as if he were in one of the slave states—in other words, that upon common soil, his right of property should be respected. Any interference with it, therefore, direct or indirect, immediate or remote,

* Article i., Section 2; Article iv., Section 2.

† "Madison Papers," (Debates in the Convention) pp. 181, 391

he felt bound to oppose, and did oppose to the very close of his life.

He held, too, that it was desirable to continue the institution at the south; that it had been productive of more good than harm; and that "in no other condition, or in any other age or country, [had] the Negro race ever attained so high an elevation in morals, intelligence, or civilization."* Slavery, he was accustomed to say, existed in some form or another, in all civilized countries; and he was disposed to doubt the correctness of the sentiment contained in the Declaration of Independence, that all men are born free and equal. Natural rights, indeed, in every age, in every country, and under every form of government, have been, and are, regulated and controlled by political institutions. He considered the colored population as constituting an inferior race, and that slavery was not a degradation, but had the direct tendency to improve their moral, social, and intellectual condition. The situation of the slaves was an enviable one in comparison with that of the free negroes at the north, or with that of the operatives in the manufactories, and the laboring classes generally in Great Britain.† Of what value, except relatively, he asked—and asked, too, with a great deal of pertinence—were political rights, when he saw thousands of voters, in the northern states, in the service of powerful monopolies or employed on

* Letter to Mr. Pakenham, April 18, 1844.

† See Humphrey's Tour, vol. i. chap. 20; Durbin's Observations in Europe, vol. ii. chap. 13; Head's Manufacturing Districts of England, *passim*.

public works, fairly driven to the polls with ballots in their hands?

The negro slave, he contended, felt and acknowledged his inferiority, and regarded his position as a proper and natural one.* The two races in the Southern states were almost equal in numbers. They could not live upon terms of equality. "It may, in truth, be assumed as a maxim," was his language, "that two races differing so greatly, and in so many respects, cannot possibly exist together in the same country, where their numbers are nearly equal, without the one being subjected to the other. Experience has proved that the existing relation, in which the one is subjected to the other, in the slaveholding states, is consistent with the peace and safety of both, with great improvement to the inferior; while the same experience proves that * * * the abolition of slavery would (if it did not destroy the inferior by conflicts, to which it would lead) reduce it to the extremes of vice and wretchedness. In this view of the subject, it may be asserted, that what is called slavery is in reality a political institution, essential to the peace, safety, and prosperity of those states of the Union in which it exists."†

Entertaining these views, it is not strange that Mr. Calhoun regarded the movements of the abolitionists as being dictated by a false philanthropy, and that he thought them calculated, if persisted in, to jeopard the happiness and tranquillity of the slave states, and to endanger the peace of the Union; nor that he so often warned his fellow-citizens of the Southern states against

* Dr. Estes' Defence of Negro Slavery, p. 74.

† Letter to Mr. Pakenham.

the designs openly avowed, or secretly cherished, which, if not early opposed or counteracted, would prove highly prejudicial to their interests and their welfare. Where so much was at stake, he thought it well to be wise in time.

At the session of 1838–39, in a speech characterized by his usual ability, Mr. Calhoun opposed a bill introduced by Mr. Crittenden, to prevent the interference of certain federal officers in the elections. He took the ground, that the acceptance of an office under the federal government, did not deprive the individual of the right of suffrage guaranteed to him by the constitution and laws of his own state, and ought not to debar him from the exercise of any of the privileges incident thereto. He further argued, that the true cause of the increase in strength and in influence of the executive power, was to be found in the large revenue which had been collected and expended,—in the latter operation adding materially to the patronage of the federal government and its head. He stated that it would be presumptuous in him to advise the administration, but if they would hear the voice of one who wished them well, he would recommend to them to bring back the government to the true Jeffersonian policy. "You are placed," he said, "in the most remarkable juncture that has ever occurred since the establishment of the federal government, and, by seizing the opportunity, you may bring the vessel of state to a position where she may take a new tack, and thereby escape all the shoals and breakers into the midst of which a false steerage has run her, and bring her triumphantly into her destined port, with honor to yourselves and safety to those on

board. Take your stand boldly; avow your object; disclose your measures, and let the people see clearly that you intend to do what Jefferson designed, but, from adverse circumstances, could not accomplish: to reverse the measures originating in principles and policy not congenial with our political system; to divest the government of all undue patronage and influence; to restrict it to the few great objects intended by the Constitution; in a word, to give a complete ascendency to the good old Virginia school over its antagonist, which time and experience have proved to be foreign and dangerous to our system of government, and you may count with confidence on their support, without looking to other means of success. Should the government take such a course at this favorable moment, our free and happy institutions may be perpetuated for generations, but, if a different, short will be their duration."

At the session of 1839–40, several important questions were discussed. Mr. Calhoun made able speeches in opposition to the assumption of the state debts by the general government,—a project then seriously agitated by a number of leading whigs; and to the bankrupt bill, which he approved, however, as respected its compulsory features relating to individuals. He thought the bill ought not to include banks, and decidedly condemned the insolvent features introduced into it. But his ablest speech at this session was made upon his resolutions in the case of the brig Enterprise, on the 13th of March, 1840. These resolutions affirmed, and Mr. Calhoun maintained with much power and eloquence in his speech, that a ship or a vessel on the high seas, in time of peace, engaged in a lawful voyage, was,

according to the laws of nations, under the exclusive jurisdiction of the state to which her flag belonged,—as much so as if constituting a part of its own domain; that if such ship or vessel should be forced, by stress of weather, or other unavoidable cause, into the port of a friendly power, she would lose none of the rights appertaining to her on the high seas, but, on the contrary, she, and her cargo and persons on board, with their property, and all the rights belonging to their personal relations, as established by the laws of the state to which they belong, would be placed under the protection which the laws of nations extend to the unfortunate under such circumstances; and that the brig Enterprise, which was forced unavoidably, by stress of weather, into Port Hamilton, Bermuda Island, while on a lawful voyage on the high seas, from one port of the Union to another, came within the principles embraced in his resolutions, and the seizure and detention of the negroes on board, by the local authority of the island, was an act in violation of the laws of nations, and highly unjust to our own citizens, to whom they belonged.

At the presidential election in 1840, Mr. Calhoun supported Mr. Van Buren, as did his friends in South Carolina. The administration of that gentleman had been conducted, on all important points, in entire consonance, as Mr. Calhoun believed, with the republican principles; and he decidedly approved, therefore, of giving the electoral vote of the state to him. But the result in the Union was unfavorable, and General Harrison and Mr. Tyler were elected to the two highest offices in the gift of the American people—not as the exponents of any particular set of principles, for the

convention that nominated them refused to pass any resolutions, and while General Harrison was understood to be an ultraWhig, or under the control of ultra Whigs, Mr. Tyler was equally well known as a State Rights man.

Next in importance to the question of the currency, Mr. Calhoun regarded that of the public lands. At the session of 1840–41, he discussed the whole policy of the government with respect to the latter subject. He delivered three speeches; one on the prospective pre-emption bill, which he opposed; the second on an amendment, offered by Mr. Crittenden as a substitute, providing for the distribution among the states of the revenue arising from the sale of the public lands; and the third in reply to the speeches of Mr. Webster and Mr. Clay on Mr. Crittenden's amendment. Mr. Calhoun had often reflected on this subject, and was therefore entirely at home upon it. He was opposed, *in toto*, to the scheme of distribution, and advocated the cession of the public lands to the new states in which they were situated. "As far back as February, 1837, he offered a substitute, in the form of an amendment to the bill 'to suspend the sale of the public lands,' in which he proposed to cede to the new states the portion of the public lands lying within their respective limits, on certain conditions, which he accompanied by a speech explanatory of his views and reasons. He followed up the subject in a speech delivered in January, 1839, on the Graduation Bill; and in May, 1840, an elaborate and full report was made from the Committee on Public Lands, and a bill introduced by him, containing substantially the same provisions with his original proposition.

"There have been few measures ever presented for consideration so grossly misrepresented, or so much misconceived, as the one in question. It has been represented as a gift—a surrender—an abandonment of the public domain to the new states; and having assumed that to be its true character, the most unworthy motives have been attributed to the author for introducing it. Nothing is more untrue. The cession is neither more nor less than a conditional sale, not extended to the whole of the public domain, as represented, but to that portion in the new states respectively, within whose limits they lie; the greater part of which are mere remnants, which have long since been offered for sale, without being sold.

"The conditions on which they are proposed to be ceded or sold are drawn up with the greatest care, and with the strictest provisions to insure their fulfilment; one of which is, that the state should pay 65 per cent. of the gross proceeds of the sale to the General Government, and retain only 35 per cent. for the trouble, expense, and responsibility attending their administration. Another is, that the existing laws, as they stand, except so far as they may be modified or authorized to be modified by the act of cession, shall remain unchanged, unless altered by the joint consent of the General Government and the several states. They are respectively authorized, if they should think proper, to adopt a system of graduation and preëmption within well-defined and safe limits prescribed in the conditions; and the General Government is authorized to appoint officers in the several states, to whom its share of the proceeds of the sale shall be directly paid, without

going into the state treasury; and these conditions are put under the guardianship of the courts, by providing, if they shall be violated, that all after rules by the state shall be null and void. So far from this being a gift or an abandonment of the public lands to the new states, he has clearly proved, if there be truth in figures, that the government would receive a greater amount of revenue from the lands in the new states, under the system he proposes, than under the present. These demonstrations are based on calculations which neither have nor can be impugned.

"But his views extended far beyond dollars and cents in bringing forward the measure. He proposed to effect by it the high political objects of placing the new states on the same footing of equality and independence with the old, in reference to their domain; to cut off the vast amount of patronage which the public lands place in the hand of the executive; to withdraw them as one of the stakes, from the presidential game; to diminish by one fourth the business of Congress, and with it the length and expense of its session; to enlist the government of the new states on the side of the General Government; to aid in a more careful administration of the rest of the public domain, and thereby prevent the whole of it from becoming the property of the occupants from possession; and, finally, to prevent the too rapid extinction of Indian titles in proportion to the demand for lands from the increase of population, which he shows to be pregnant with great embarrassment and danger. These are great objects, of high political import; and if they could be effected by the measure proposed, it is justly entitled to be ranked

among the wisest and most politic ever brought forward. That they can be effected, it is almost impossible for any well-informed and dispassionate mind deliberately to read the speeches and documents referred to, and to doubt."*

What would have been the policy pursued by General Harrison in his administration of the government, we can only conjecture. His cabinet was composed of decided Whigs; and there is every reason to suppose he would have approved the measures subsequently proposed by their friends in Congress. But the hand of Providence removed him by death, shortly after his inauguration, and Mr. Tyler succeeded him in the presidential office. Previous to this time, an extra session of Congress had been called, upon the urgent solicitation of leading Whigs, who were in haste to undo the legislation of former years, and to establish, as far as they could by statute, the Utopia in governmental policy which had long been the subject alike of their dreams and their hopes.

Congress assembled for the extra session on the last day of May, 1841; Mr. Calhoun again appearing in his place in the Senate, to which he had been reëlected for another term. High in hope, rendered confident in tone and overbearing in manner by their recent victory, and full to overflowing with ardor and enthusiasm, the Whig members of the 27th Congress entered the Capitol. In their haste to carry their favorite measures, they stopped not for forms or ceremonies. They followed without hesitation in the wake of their leader Mr. Clay, who brought forward and urged the adoption

* Memoir of Mr. Calhoun, 1843.

of his plans, with the boldness and manliness, and, withal, the arrogance forming such prominent traits in his character. The Independent Treasury law was repealed, against the votes of Mr. Calhoun and his Republican friends. In the minority as they were, it seemed impossible to oppose any checks or hindrances to the movements of the party in power.

Having disposed, as they thought forever, of this great Republican measure, the Whigs began to develop their own policy. Their system of measures, leaving out of view minor and comparatively unimportant propositions, was a triad—the Distribution of the Land Revenue among the states, the Incorporation of a National Bank, and the Revision of the Tariff so as to afford increased protection.

Distribution was but another name for the assumption of the state debts, and its object was to create a necessity for a high protective tariff, by withdrawing the revenue derived from the sale of the public lands from the treasury. Mr. Calhoun opposed it, as he had done at previous sessions; and on the 24th of August, 1841, he delivered one of his ablest speeches against the passage of the bill. It was an effort every way worthy of the cause and the man. He, of course, took the old Republican ground, that the original cession of the public lands was made to furnish the General Government with the means of defence, in opposition to the federal doctrine that it was the trustee of the states making the cession; and that if this resource were taken away, a much higher tariff would be needed for revenue—a result which the protectionists were extremely anxious to secure—and thus the policy of a

high protective tariff with a permanent distribution of the surplus revenue, would be fastened on the country for all time to come.

So palpable were the objections raised by Mr. Calhoun and other senators to the policy of distribution, and they were urged with such power and effect, that a sufficient number of Whigs united with them to procure the adoption of a proviso to the bill, declaring that the distribution should cease whenever the average rate of duties collected exceeded twenty per cent. Before the law went into operation, the Whigs increased the duties beyond that average, and it remained a dead letter on the statute book.

The Bankrupt bill was again brought forward at this session, and again opposed by Mr. Calhoun.

Two different bills providing for the incorporation of a national bank—the second one, however, disguising the project under the name of a fiscal agent of the treasury—passed both houses of Congress. Mr. Calhoun now felt free to vote upon the question as if it were an entirely new one; and as he was totally opposed to any connection between the government and banks, he voted against both measures. President Tyler, true to his State Rights principles, vetoed each bill in turn. The Whig party were confounded and dismayed; Congress adjourned in confusion, and the cabinet was dissolved. At the ensuing session—that of 1841–42—a fierce onslaught was made, under the auspices of Mr. Clay, upon the President, and upon his exercise of the veto power. However much Mr. Calhoun was disposed to resist the usurpations of the executive branch of the government, he would by no

means trespass upon its rights; and he regarded the veto as one of the great conservative features of the Constitution—a check upon hasty legislation and a protection to the Executive, the states, and the people, against legislative encroachment.

One of the ablest speeches he ever delivered was made on this question, and in defence of the veto power, which Mr. Clay proposed to take away in part from the President, by an amendment of the Constitution. He contended that if the executive power had been unwisely or improperly increased, the fault was in Congress—in their special legislation, in the high tariff system, the collection of more revenue than was needed, the vast expenditures, and the multiplication of officers consequent upon these evils. "Is it not clear," he said, "that so far from the veto being the cause of the increase of his [the President's] power, it would have acted as a limitation on it if it had been more freely and frequently used? If the President had vetoed the original bank—the connection with the banking system —the tariffs of '24 and '28, and the numerous acts appropriating money for roads, canals, harbors, and a long list of other measures not less unconstitutional, would his power have been half as great as it now is? He has grown great and powerful, not because *he used* his veto, but because *he abstained* from using it. In fact, it is difficult to imagine a case in which its application can tend to enlarge his power, except it be the case of an act intended to repeal a law calculated to increase his power, or to restore the authority of one which, by an arbitrary construction of his power, he has set aside." He also denied, most emphatically, that this

was a government in which the numerical majority were alone potential, as was contended by the Whigs, who affirmed that the people had decided in favor of their measures by the election of General Harrison, although they made no declaration of their principles whatsoever. But he held that this was a government in which the states were heard, and one in which the rights of the minority were respected. This was done by the division of the legislative power into three branches; and to remove one of them, as must be the effect of abolishing or restricting the veto, would be to destroy the beauty and harmony of the whole system.

Early in this session, Mr. Clay had introduced a series of resolutions expressive of his views in relation to the revenues and expenditures of the government. He avowed himself friendly to the general principles of the Compromise act and the advalorem feature; proposed to raise no more revenue than was necessary for the economical administration of the government; and disapproved of any resort to loans or treasury notes, in time of peace, except to meet temporary deficits. So far Mr. Calhoun agreed with him: But he further proposed to raise all the revenue from customs, to surrender the land fund to the states, and to repeal the proviso in the distribution act; and upon these points they wholly disagreed. Mr. Calhoun spoke on the resolutions, on the 16th of March, and protested in earnest terms against any departure from the great principle of the Compromise act, that no duty should be imposed after the 30th day of June, 1842, except for revenue necessary for the government economically administered.

The protest of Mr. Calhoun was unavailing. Mr. Clay himself resigned his seat in the Senate, partly, it may be, because the friends of protection were beseeching him to lend his aid in raising the duties; and this he could not have done, without violating his solemn declaration made in 1833, that the compromise act was "a treaty of peace and amity" not to be disturbed,* and departing from the sentiments avowed in his speech on his resolutions, that specific duties and discriminations were unwise and unjust, and the advalorem principle was entitled to the preference.†

But, in the absence of Mr. Clay, there were other champions of protection to take his place, and the renewal of this perilous policy had been predetermined. Were it not for the disordered currency, the large expenditures, and the excessive issues of paper money by the banks, the influence of the compromise act would have been healthy. But the sudden reduction of the duties, on the 31st of December, 1841, in the then embarrassed condition of the country, occasioned a great falling off in the revenue. This was a misfortune, as Mr. Calhoun readily admitted; and he would cheerfully have favored any temporary expedient, or any moderate change in the tariff system, which would have made good the deficiency and prevented a recurrence of the evil. With this the manufacturers were not content; they wanted to substitute the old protective duties for the revenue duties,‡ and to restore the specific features and the minimums.

* Speech in the Senate, February 15, 1833.

† Speech, March 1, 1842.

‡ The terms *protective duty* and *revenue duty* are often misapplied

In the first place, a provisional tariff bill was passed, extending the compromise act to the 1st of August, as the minimum was reached on the 30th of June, 1842, and after that date no duty exceeding twenty per cent, was to be collected, nor that even, as was thought by many, without some special law. The provisional bill required the duties to be collected at the same rates as were collectable on the 1st of June: it also postponed the distribution of the proceeds of the public lands, but did not surrender the principle, and Mr. Calhoun and other republican senators therefore opposed it. It was vetoed by the President; and the act of 1842, establishing a rate of duties averaging nearly forty per cent on the aggregate value of imports, and of course highly protective, subsequently passed both houses—each by a single vote—and was reluctantly signed by the President. It is almost unnecessary to say, that Mr. Calhoun opposed the passage of this bill from first to last. He likewise delivered an able speech against it on the 5th of August, and pronounced it to be decidedly worse than "the bill of abominations." Its protective features were artfully concealed under specific rates and minimums, but its true character could not be mistaken, and it was generally condemned throughout the country, by all except the manufacturers and the ultra Whigs.

On the 20th day of August, 1842, the Senate ratified the treaty of Washington, or the Ashburton treaty, by which the northeastern boundary was satisfactorily

A *revenue* duty is one whose increase would be followed by an increase of revenue, or which is already fixed at the maximum of revenue; and a *protective* duty is one of absolute prohibition, or which must be reduced in order to increase the revenue.

settled, by the decisive vote of 39 to 9. Mr. Calhoun voted with the majority, and delivered a speech in favor of the treaty marked by great ability and power, and which elicited the highest encomiums in England as well as in America. He had never doubted the justice of the claims of Maine, yet, as the United States had in effect agreed to compromise the question by submitting it to arbitration, he approved of the treaty as a fair and honorable settlement of the difficulty. He fully concurred in the sentiments afterwards expressed so pertinently and forcibly by Sir Robert Peel, in reference to this and the Oregon question, that it was "the better policy to propose, in the spirit of peace, conditions perfectly compatible with the honor of each country, and not requiring from either any sacrifice, territorial or commercial, which would not be dearly purchased by the cost of a single week's hostilities."*

* Address to his constituents at Tamworth, 1847.

CHAPTER XII.

The Oregon Question—Resignation of Mr. Calhoun—Appointed Secretary of State—Annexation of Texas—Administration of Mr. Polk—Declines Mission to England—Returns to the Senate—Memphis Convention—Improvement of Harbors and Rivers—Triumph of Free Trade—War with Mexico—Continued Agitation of the Slavery Question—Southern Address—Mr. Clay's Plan of Compromise—Last Speech of Mr. Calhoun.

For reasons similar to those which had influenced him in voting for the ratification of the Treaty of Washington, Mr. Calhoun opposed the efforts, whether intentional or otherwise, made during the latter part of Mr. Tyler's administration and the first year of Mr. Polk's, to produce a war between the United States and Great Britain on account of the Oregon difficulty. He did not think that the title to the whole of Oregon, as high as 54° 40′, was entirely unquestionable. On the contrary, he was of the opinion, that the 49th parallel, or some line near that, should be adopted as the boundary. As he regarded this matter, both parties were committed, by the negotiations of 1818, 1824 and 1826–27, to a compromise of the question by the mutual surrender of a part of their respective claims; and at the session of 1842–43, he delivered a speech on the Oregon bill, introduced by Mr. Linn, of Missouri, which provided for granting lands, and for commencing

systematically the colonization and settlement of the territory in dispute. He opposed the bill, and insisted, that it was neither wise nor prudent, to assert at that time the exclusive right to the territory, as the bill contemplated. In his view, the position of the United States should be one of masterly inactivity. The possession of the Pacific coast was of great importance to them, as it could not be doubted that their authority would soon extend from ocean to ocean. The naval superiority of Great Britain, in men and *matériel*, if not in efficiency, was not to be doubted nor denied, and it was evident that she could dispatch troops and munitions of war to Oregon with about as much facility as the United States, or, from her East India possessions, with even greater ease. He was in favor therefore, of leaving causes already in operation, to work as they had done, silently. The tide of voluntary emigration from the older states and territories was passing beyond the Rocky Mountains; and it was more than probable, that in a few years Oregon would contain a large population, ready and willing, if the title of the United States should then be asserted by force of arms, essentially to aid in its support and defence.

At the close of this session, which terminated in March, 1843, Mr. Calhoun resigned his seat in the Senate. His private affairs had become considerably embarrassed, in consequence of his protracted absences from home, and his inability to supervise and direct their management except during brief intervals. Of senatorial honors, too, he had enough to satisfy the ambition of any man. Many of his friends, doubtless, looked forward to his elevation to the highest office in the

nation,—as they had a right to do, for he was in every way worthy of this proud distinction, and would have conferred more honor upon it, than would have been reflected upon himself. Did he cherish any aspirations of this character, they were confined to his own bosom, and never gave him a moments' pain. Retired to the privacy of his beautiful home at Fort Hill, in the vicinity of Pendleton Court House, he was far happier, in the enjoyment of domestic happiness, and in the occupations and pursuits of a planter, than while mingling in the bustle and turmoil of party politics, which was wholly unavoidable while he was at Washington.

But as the war-horse never forgets the sights and sounds that animated him on the field of battle, so he remembered the important subjects that had engrossed his attention, and taxed his powers, in the stormy debate; and if he did not long to participate again in the strife, his thoughts were often turned to the spot where "the war of words was high." The theory of our government—of all governments—was still his study; and politics, in the enlarged, more comprehensive, and philosophical sense of the term, daily attended him in his study and in his walks, as familiar spirits with whom he loved to take sweet counsel together.

On the 28th of February, 1844, Mr. Upshur, the talented and accomplished Secretary of State, was suddenly killed on board the steamer Princeton, by the explosion of one of its guns. Previous to the occurrence of this melancholy event, negotiations had been opened between the authorities of Texas and those of the United States, for the annexation of her territory to that of the latter power.

Mr. Calhoun had been long known as a warm friend to the acquisition of Texas. He was never of the opinion that Louisiana extended beyond the Sabine, and did not, therefore, as a member of Mr. Monroe's cabinet, disapprove of the surrender of the American claim to the territory west of that river.* In May, 1836, he proposed the recognition of the independence of Texas, by a resolution introduced into the Senate; in 1837, he voted for the acknowledgment of her independence; in 1838, he supported a resolution declaring that the acquisition of Texas was desirable, whenever it could be made with her consent, and consistent with the treaties, faith, and stipulations of the United States; and when Texas had maintained her position of successful rebellion for a period of nine years, during which time she had exercised before the world all the rights and powers of an independent state, he did not consider it requisite or necessary to consult the government from whose authority she had revolted, before entering into a treaty of annnexation with her.

There were several powerful reasons, as Mr. Calhoun thought, which imperatively demanded the annexation of Texas to the territories of the United States. In the first place, it was important because of its proximity to New Orleans, the great emporium of the valley of the Mississippi, and the liability of the latter to be attacked from it under numerous disadvantages, in a state of war; in the second place, it was important, because England desired to secure Texas as a commercial dependency,† from which she could obtain cotton, in

* Address to the People of the Southern States, July 5th, 1849.

† See the Speech of Mr. Houston in the U. S. Senate,—Congressional Globe—2d session, 29th Congress—p. 459.

abundance, for her manufactories, and live oak for the use of her immense naval establishment,—and thus the pecuniary interests of the cotton growing states, which furnished the English manufacturers with their chief supply of the raw material, were likely to be seriously prejudiced; and in the third place, it was important, because England and France were exerting all their influence to prevent the annexation, and the former had favored projects for the abolition of slavery in Texas, which, if it should take place, could not fail to disturb the peace and tranquillity of the American Union.* It is true, that the British Secretary of Foreign affairs (Lord Aberdeen), while admitting the desire of his government to witness the abolition of slavery in Texas insisted that they had no intention of interfering in any way with the institutions of the United States, or of any portion of them ;† but it is equally true, that frankness never characterized British diplomacy. Lord Aberdeen had had an interview with a deputation of the World's Convention, upon the subject of procuring the abolition of slavery in Texas; and he had publicly avowed his feelings and wishes in this respect, on the floor of Parliament.‡ It was notorious, too, that the Canadas had for years been filled with the emissaries of British abolitionists, who were constantly engaged in efforts to promote the escape of slaves from their masters in the southern states of the union; and it could not be doubted that they anticipated a much better

* Letter of Mr. Calhoun to Mr. Pakenham, April 18, 1844.

† Senate Doc. 341—1st session, 28th Congress—p. 48.

‡ Conversation in the House of Lords, between Lord Brougham and Lord Aberdeen—See London Morning Chronicle, August 19, 1843.

field for their operations, if slavery could be abolished in Texas, close upon the borders of the slaveholding states.

Such being the well-known sentiments of Mr. Calhoun with reference to the proposed annexation of Texas, he was invited by President Tyler, who had reconstructed his cabinet from the members of both political parties, to take the place at the head of the State Department made vacant by the death of Mr. Upshur. After some hesitation, which was at length overcome by the importance of this pending question, Mr. Calhoun accepted the appointment—the nomination having been unanimously confirmed by the Senate without even going through the formality of a reference to a committee—and immediately repaired to his post at Washington. On the 12th day of April, 1844, he had the gratification of signing a treaty of annexation with the representatives of the Texan government.

The treaty was discussed for several weeks in the Senate, but was finally rejected by that body, partly on account of political considerations and the objection of the northern whig senators to the extension of the slave territory of the Union; but mainly, for the reason, that the boundaries of Texas were not defined, though it was well understood that she laid claim to all the territory North and East of the Rio del Norte, or Rio Grande, not belonging to the United States—the justice of which claim was disputed by most, if not all, the senators who voted against the treaty. No provision was inserted in the treaty in regard to the boundary, because it proposed to annex Texas as a territory, and the right to settle it would, of course, belong to the government

of the United States. In this view of the case, as soon as the treaty was concluded, the American *chargé d' affaires* was instructed by Mr. Calhoun to assure the Mexican Government that the President of the United States desired to settle all questions between the two countries that might grow out of the treaty, or any other cause, on liberal and satisfactory terms; and that the boundary of Texas was purposely left undefined in the treaty, in order that it might be an open question to be fairly and fully discussed and settled.* An envoy was shortly after sent to Mexico, with instructions to make the same assurances, and with full powers to enter upon the negotiation.†

Meanwhile, Mr. Polk had been put in nomination for the presidency by the Republican party, as the avowed friend of the immediate annexation of Texas; and at the election in the fall of 1844, he was triumphantly chosen over Mr. Clay, the Whig candidate, and a decided opponent of the measure. Other questions—such as the protective policy, internal improvements, a national bank and an independent treasury—were likewise at issue. Upon these Mr. Polk coincided with Mr. Calhoun, and the latter was highly gratified at his success.

Public opinion being now ascertained to be favorable to the annexation, a joint resolution was brought forward and passed at the second session of the twenty-eighth Congress, under which Texas was at length annexed. On the accession of Mr. Polk, in March, 1845,

* Senate Doc. 341—1st session, 28th Congress—p. 53.

† Documents accompanying President's Message, 2nd session, 28th Congress.

many of Mr. Calhoun's friends were quite anxious that he should be continued in the office of Secretary of State, but he promptly informed the new president, that he was unwilling to remain in the cabinet. He was not by any means unfriendly to the incoming administration, but he desired to maintain a position of *quasi* independence, and he was daily becoming more of a statesman and less of a politician. But aside from this consideration, there were other reasons that influenced him. There were, among the supporters of Mr. Polk, many who were not favorable to the annexation of Texas, or who were dissatisfied with the manner in which it had been effected;* and it was to be feared, that if Mr. Calhoun remained in the cabinet, they would attempt to embarrass the administration, for the reason that he had been the most efficient agent in securing that valuable acquisition of territory. He had also questioned the propriety of a resolution adopted by the convention that nominated Mr. Polk, in favor of asserting the title of the United States to the whole of Oregon; and when he saw an effort making in the north and west, to force the question to a settlement, at the hazard of bringing on a war with Great Britain, he had opened a negotiation with the British minister for the adjustment of the conflicting claims. His course in this respect was not satisfactory to all the republican members from the northern and western states, and the harmony of the party, for the time at least, was probably secured by his retiring from the cabinet.

* Among the supporters of Mr. Clay there were probably as many who approved of the annexation, as there were friends of Mr. Polk who opposed it.

But Mr. Polk shared in the feeling common to the prudent and sagacious politicians in both parties, that Mr. Calhoun's abilities—his caution, skill, and foresight,—might be of great benefit to the country in a diplomatic capacity, and therefore tendered to him the mission to England. This he declined, both on account of the indisposition of his daughter, and because of his firm conviction that the Oregon difficulty, in regard to which he felt great anxiety, could be settled only at Washington—that "the peace," as he said, "was to be made here."

Mr. Calhoun had been succeeded in the Senate by Judge Huger, but the expression of the whole South was so earnest and so united in favor of the return of the former to his old position, that the Judge resigned his seat, and Mr. Calhoun was chosen to fill the unexpired term. He would willingly have retired once more to private life, but his friends insisted that the country had need of his services in the settlement of the Oregon question, and he yielded to their wishes. He again took his place in that august body of which he had long been one of the most distinguished ornaments, and had the proud satisfaction of defending the Oregon treaty of 1846, and of contributing to its ratification by his vote.

In November, 1845, a South-Western Convention, composed of delegates from the southern and western states, was held at Memphis, Tennessee. Mr. Calhoun attended as a delegate from South Carolina, and was chosen president of the convention. Its object was to promote the development of the resources of the western and south-western states; and resolutions,

and a memorial to Congress, setting forth the objects had in view, and the action required by the general government, were adopted. Mr. Calhoun did not concur in all the proceedings though approving of them in the main. He presented the memorial in the Senate, at the first session of the twenty-ninth Congress, and on his motion it was referred to a select committee of which he was made chairman. On the 26th of June, 1846, he made a report, luminous in style and masterly in argument, in which may be found his matured opinions upon the subject of improvements by the general government, more particularly with respect to harbors and rivers.

He thought that the navigation of the Mississippi river and its navigable tributaries, where three or more states bordered upon them—which was the main subject of consideration at the Memphis Convention—might and ought to be improved by the general government, by the removal of obstructions. He derived the power to make these improvements, not from the clause in the constitution authorizing Congress to provide for the "common defence and general welfare," but from that authorizing Congress "to regulate commerce with foreign nations and among the several states." Harbors for shelter and for the navy, he was of opinion, might be made in the Mississippi and its tributaries; but canals around falls or other obstructions, could not be made, except that where they passed through the public domain, alternate sections of land might be granted to aid in their construction. Where a tributary of the Mississippi was bordered by less than three states, he thought it should be improved by the

state or states which it intersected, or by individuals. The same principles he applied to other rivers emptying into the Gulf of Mexico, the Atlantic, and the lakes. He also expressed the opinion, that the power to regulate commerce embraced the establishment of light-houses, piers, buoys, beacons, and harbors for shelter and the navy, on the sea coast, the lakes, and the rivers intersecting three or more states. Commercial harbors, he thought, should be constructed by the states; and Congress should empower them to lay tonnage duties for this purpose. The general government, he maintained, had no power to aid directly in the construction of roads or canals, but, as in the case of canals around falls, alternate sections of the public land intersected by them might be granted, because such improvements were calculated to raise the value of the remaining sections.

Cherishing these views, Mr. Calhoun cordially approved of the veto of the Harbor and River bill by President Polk, in August, 1846, and of the general principles of his special message on the subject of internal improvements, dated the 15th of December, 1847.

At the session of 1845–6, Mr. Calhoun was gratified by the reënactment of the Independent Treasury bill, with some modifications which experience had shown to be necessary, and doubly so, by the establishment of a new tariff of duties based upon strict revenue principles. The protracted struggle was brought to a close. Free trade was at length triumphant. There was an end of distribution sustained by a protective tariff. The important truths which he had labored so long to establish were now acknowledged with a unani-

mity that promised to ensure the much desired permanence in the imposition and collection of duties. The effect of this great triumph was not confined to this side of the Atlantic; Cobden and his associates were inspired to new efforts by the success of Calhoun; and the ablest statesmen of Great Britain, the Peels and the Russells, yielded to the influences that were breaking down the barriers of commercial intercourse. Mr. Calhoun would have been more than human, had he not rejoiced to witness this result of his exertions. But he indulged in no unseemly expressions of gratification. "After a struggle of two and twenty years, Truth and *He* had been successful, but no personal exultation sparkled in his eye, or triumphed in his words. The measure and its great consequences alone occupied his thoughts."*

Having aided in the settlement of the Oregon question, and in the enactment of the tariff law of 1846, Mr. Calhoun would now gladly have returned to the peace and quietude of the happy home, ever cheered and enlivened by his presence; for his private affairs demanded his attention, and his health was considerably impaired. It was his misfortune, too, to be constantly misrepresented by some of the friends of the administration, who seemed unable to comprehend the motives that prompted him to vote in opposition to them, when required by the rigid adherence to his principles, which it was his pride to maintain. But the war with Mexico induced him to remain in the Senate, to which he was reëlected for another term in 1846, and to continue in the position which he had graced, and in which it

* Mrs. Maury's Statesmen of America, p. 183.

was his happy fate to die, "with the harness on his back."

Had he conducted the negotiations for the annexation of Texas from the beginning, under the administration of Mr. Tyler, it is highly probable that our peaceful relations with Mexico would have been preserved. He was a great enemy to war, and his policy was always that of peace. He had long feared that hostilities with Mexico would ensue, and yet he thought, to the last, a collision might have been avoided. Influenced by these feelings, he refused to vote either for or against the act of May, 1846, declaring the existence of a state of war; yet he supported for the most part the measures of the administration, looking to the vigorous prosecution of hostilities, till the session of 1847–8, when he proposed resolutions disapproving of the conquest of Mexico, for the purpose of incorporating it into the Union, or holding it as a province; and on the 4th of January, 1848, he delivered a speech in their favor. At the previous session he had suggested the withdrawal of the American troops to a defensive line, and the occupation of the territory behind it, and the blockade of the ports of Mexico, till terms of peace were accepted. His resolutions were offered for the same purpose, and he enforced his views upon the defensive policy with great ability. Before any final action was had upon his resolutions, the treaty of Guadalupe Hidalgo was laid before the Senate and ratified with his vote.

But a grave and important question arose out of the war—one which Mr. Calhoun anticipated, and which is now (July, 1850) agitating the country from one end

to the other. By the treaty of peace, California and New Mexico were annexed to the United States, and the Rio Grande was established as the southwestern boundary of the Union with the assent and concurrence of the Mexican government. The Abolition feeling had been constantly increasing at the North, and the Whig party there, with very few exceptions, and a considerable portion of the Republicans, were more or less under its influence, even though many of them deprecated the constant agitation of the subject. Sectional animosities had been aroused; at the North, the article of the Constitution, and the laws of Congress providing for the recapture of fugitive slaves, had been repeatedly disregarded or set at defiance; and questionable measures of retaliation had been adopted in some of the southern states.

An effort was now made in Congress to prohibit the extension of slavery to the territory acquired from Mexico, at the time of forming territorial governments. Mr. Calhoun contributed with all his might and zeal in resisting every effort of this character, and on the 27th of June, 1848, he made an able speech in reply to Mr. Dix of New York, on the bill providing a territorial government for Oregon, which it was proposed to amend, so as forever to exclude slavery therefrom. He denied that Congress had the exclusive right of legislation over the territories, and insisted that it could not, by its action, take away from the people the power of making such municipal regulations as they pleased, when state constitutions were adopted. He also defended the institution of Slavery, but at the same time contended, that the abstract question of Slavery was

merged in the higher one of self-defence on the part of the southern states. The North, he said, was bent on securing the balance of power, and that once gained, abolitionism would break down the ramparts of the Constitution, and the rights of the states would no longer be respected. At the session of 1847–8, the Slavery question prevented the passage of territorial bills; but at the ensuing session the subject was again agitated.

In the meantime the presidential election had taken place, and the Whig candidate, General Taylor, who refused to commit himself on the question, was elected over General Cass, the Republican nominee, who had opposed the efforts of the Slavery exclusionists. Mr. Calhoun was much chagrined at this result, and when Congress came together in December, 1848, he advised a meeting of the members from the slaveholding states to be held, to deliberate on the course proper to be pursued. His advice was followed; a meeting was held; and an address prepared by him was adopted, which reviewed the origin and history of the abolition movement, and the aggressions upon the rights of the South, and pointed out the evils which must result, and the necessity of united and harmonious action to prevent them. This session also passed by without a settlement of the question, and in the summer of 1849, Mr. Calhoun had occasion again to make known his opinions, in an address to the people of the southern states, dated at Fort Hill on the 15th of July, in reply to a speech of Colonel Benton to his constituents in Missouri, charging the former with having repeatedly abandoned the interests of the South, and with endeavoring to

promote the dissolution of the Union. Mr. Calhoun defended himself with more than his usual ability, and sometimes with not a little asperity. He retraced his whole course in public life, and insisted that he had ever been, as he ever should be, firm in maintaining the rights of the slaveholding states under the compromises of the Constitution, and faithful to the Union so long as it could be preserved in the spirit of its inception.

When Congress again came together, Mr. Calhoun was in feeble health, in consequence of a pulmonary complaint of long standing which had been for some time growing upon him more rapidly than it had done, for the reason probably, that his mind was kept in a constant state of excitement by the agitation of the slavery question. Meanwhile California had adopted a state constitution prohibiting slavery, and now applied for admission into the Union, supported by a favorable recommendation of the president, General Taylor. The elements of controversy were at once roused up more fiercely than before, and the confederacy seemed about to be violently ruptured. Various propositions were offered with the hope of settling the difficulty forever, and among others, Mr. Clay offered a series of resolutions as a compromise, or an amicable arrangement of the questions in controversy. The general features of Mr. Clay's plan were,—the admission of California; the formation of territorial governments for the remainder of the territory acquired from Mexico, without containing any provision whatsoever in regard to slavery; declaring that the abolition of slavery in the district of Columbia was inexpedient, that the trade in

slaves brought from without the district ought to be prohibited therein, but that Congress possessed no power to obstruct the slave trade between the states; and the more effectual provision by law for the restitution of fugitive slaves.

Mr. Calhoun had convinced himself, that if California were admitted as a state, and the balance of power thus assured to the non-slaveholding states, there would be no security for the south without an amendment of the Constitution. Day after day, in the early part of the session, he took his place punctually in the Senate, until his failing strength warned him that the hand of the destroyer was already upon him. He then retired to his room, and there prepared the following speech—the last great effort of his powerful mind. Unable to deliver it himself, it was read in his presence by his colleague, Judge Butler, on the 4th day of March, 1850:—

SPEECH ON THE SLAVERY QUESTION.

I have, Senators, believed from the first, that the agitation of the subject of slavery would, if not prevented by some timely and effective measure, end in disunion. Entertaining this opinion, I have, on all proper occasions, endeavored to call the attention of both of the two great parties which divide the country, to adopt some such measure to prevent so great a disaster, but without success. The agitation has been permitted to proceed, with almost no attempt to resist it, until it has reached a period when it can no longer be disguised or denied that the Union is in danger. You have thus had forced upon you the greatest and the gravest question that ever can come under your consideration, How can the Union be preserved?

To give a satisfactory answer to this mighty question, it is indispensable to have an accurate and thorough knowledge of the nature and the character of the cause by which the Union is endangered. Without such knowledge it is impossible to pronounce, with any certainty, by

what means it can be saved; just as it would be impossible for a physician to pronounce, in the case of some dangerous disease, with any certainty by what remedy the patient could be saved, without similar knowledge of the nature and character of the cause of the disease. The first question, then, presented for consideration, in the investigation I propose, in order to obtain such knowledge, is,—What is it that has endangered the Union?

To this question, there can be but one answer—that the immediate cause is, the almost universal discontent which pervades all the States composing the Southern section of the Union. This widely extended discontent is not of recent origin. It commenced with the agitation of the slavery question, and has been increasing ever since. The next question is,—What has caused this wide-diffused and almost universal discontent?

It is a great mistake to suppose, as is by some, that it originated with demagogues, who excited the discontent with the intention of aiding their personal advancement, or with disappointed, ambitious individuals, who resorted to it as the means of raising their fallen fortunes. There is no foundation for this opinion. On the contrary, all the great political influences of the section were arrayed against excitement, and exerted to the utmost to keep the people quiet. The great mass of the people of the South were divided, as in the other section, into whigs and democrats. The leaders and the presses of both parties in the South were very solicitous to prevent excitement and restore quiet; because it was seen that the effects of the former would necessarily tend to weaken, if not destroy, the political ties which united them with their respective parties in the other section. Those who know the strength of party ties, will readily appreciate the immense force which this cause exerted against agitation, and in favor of preserving quiet. But as great as it was, it was not sufficiently so to prevent the wide-spread discontent which now pervades the section. No; some cause far deeper and more powerful must exist, to produce a discontent so wide and deep, than the one inferred. The question then recurs, what is the cause of this discontent? It will be found in the belief of the people of the Southern States, as prevalent as the discontent itself, that they cannot remain, as things now are, consistently with honor and safety, in the Union. The next question, then, to be considered is,—What has caused this belief?

One of the causes is, undoubtedly, to be traced to the long-continued

agitation of the slave question on the part of the North, and the many aggressions which they have made on the rights of the South, during that time. I will not enumerate them at present, as it will be done hereafter in its proper place.

There is another, lying back of it, but with which this is intimately connected, that may be regarded as the great and primary cause. It is to be found in the fact, that the equilibrium between the two sections in the government, as it stood when the Constitution was ratified, and the government put in action, has been destroyed. At that time, there was nearly a perfect equilibrium between the two, which afforded ample means to each to protect itself against the aggression of the other; but as it now stands, one section has exclusive power of controlling the government, which leaves the other without any adequate means of protecting itself against its encroachment and oppression. To place this subject distinctly before you, I have, Senators, prepared a brief statistical statement, showing the relative weight of the two sections in the government under the first census of 1790, and the last census of 1840

According to the former, the population of the United States, including Vermont, Kentucky, and Tennessee, which then were in their incipient condition of becoming States, but were not actually admitted, amounted to 3,929,827. Of this number, the Northern States had 1,977,899, and the Southern 1,952,072, making a difference of only 25,827 in favor of the former States. The number of States, including Vermont, Kentucky and Tennessee, was sixteen, of which eight, including Vermont, belonged to the Northern section, and eight, including Kentucky and Tennessee, to the Southern, making an equal division of the States between the two sections, under the first census. There was a small preponderance in the House of Representatives, and in the electoral college, in favor of the Northern, owing to the fact that, according to the provisions of the Constitution, in estimating federal numbers, five slaves count but three; but it was too small to affect sensibly the perfect equilibrium of numbers which, with that exception, existed at that time—a true, perfect equilibrium. Such was the equality of the two sections when the States composing them agreed to enter into a federal Union. Since then, the equilibrium between them has been greatly disturbed.

According to the last census, the aggregate population of the United States amounted to 17,063,357, of which the Northern section contained 9,728,920, and the Southern 7,334,437, making a difference, in round

numbers, of 2,400,000. The number of States had increased from sixteen to twenty-six, making an addition of ten States. In the mean time, the position of Delaware had become doubtful, as to which section she properly belonged. Considering her as neutral, the Northern States will have thirteen, and the Southern States twelve, making a difference in the Senate of two Senators in favor of the former. According to the apportionment under the census of 1840, there were 223 members of the House of Representatives, of which the Northern States had 135, and the Southern States, (considering Delaware as neutral) 87; making a difference in favor of the former, in the House of Representatives, of 48; the difference in the Senate of two members added to this, gives to the North, in the electoral college, a majority of 50. Since the census of 1840, four States have been added to the Union; Iowa, Wisconsin, Florida, and Texas. They leave the difference in the Senate as it stood when the census was taken, but add two to the side of the North in the House, making the present majority in the House in its favor, of 50, and in the electoral college, of 52.

The result of the whole is to give the Northern section a predominance in every department of the government, and thus concentrate in it the two elements which constitute the federal government—majority of States, and a majority of their population, estimated in federal numbers. Whatever section concentrates the two in itself, must possess control of the entire government.

But we are just at the close of the sixth decade, and the commencement of the seventh. The census is to be taken this year, which must add greatly to the decided preponderance of the North in the House of Representatives, and in the electoral college. The prospect is, also, that a great increase will be added to its present preponderance during the period of the decade, by the addition of new States. Two territories—Oregon and Minnesota—are already in progress, and strenuous efforts are making to bring in three additional States from the territory recently conquered from Mexico, which, if successful, will add three other States in a short time to the Northern section, making five States and increasing its present number of States from 15 to 20, and of its Senators from 30 to 40. On the contrary, there is not a single territory in progress in the Southern section, and no certainty that any additional State will be added to it during the decade. The prospect then is, that the two sections in the Senate, should the efforts now made to exclude the South from the newly conquered territories succeed, will stand,

before the end of the decade, twenty Northern States to twelve Southern (conceding Delaware as neutral), and forty Northern Senators to twenty-four Southern. This great increase of Senators, added to the great increase of members of the House of Representatives, and electoral college, on the part of the North, which must take place upon the next decade, will effectually and eventually destroy the equilibrium which existed when the government commenced.

Had this destruction been the operation of time, without the interference of government, the South would have had no reason to complain; but such was not the fact. It was caused by the legislation of this government, which was appointed as the common agent of all, and charged with the protection of the interests and security of all. The legislation by which it has been effected may be classed under three heads. The first is that series of acts by which the South has been excluded from the common territory belonging to all of the States, as the members of the federal Union, which has had the effect of extending vastly the portion allotted to the Northern section, and restricting within narrow limits the portion left the South. The next consists in adopting a system of revenue and disbursements by which an undue proportion of the burthen of taxation has been imposed upon the South, and an undue proportion of its proceeds appropriated to the North; and the last in a system of political measures by which the original character of the government has been radically changed.

I propose to bestow upon each of these, in the order they stand, a few remarks, with the view of showing that it is owing to the action of this government, that the equilibrium between the two sections has been destroyed, and the whole power of the system centred in a sectional majority.

The first of the series of acts by which the South was deprived of its due share of the territories, originated with the confederacy, which preceded the existence of this government. It is to be found in the provisions of the ordinance of 1787. Its effect was to exclude the South entirely from that vast and fertile region which lies between the Ohio and the Mississippi, now embracing five States and one Territory. The next of the series is the Missouri compromise, which excluded the South from that large portion of Louisiana which lies north of 36° 30′, excepting what is included in the State of Missouri. The last of the series excludes the South from the whole of the Oregon Territory. All these, in the slang of the day, were what is called slave territory, and not free

soil; that is, territories belonging to slave-holding powers, and open to the emigration of masters with their slaves. By these several acts, the South was excluded from 1,238,025 square miles, an extent of country considerably exceeding the entire valley of the Mississippi. To the South was left the portion of the territory of Louisiana lying south of 36° 30′, and the portion north of it included in the State of Missouri; the portion lying south of 36° 30′, includes the States of Louisiana and Arkansas, and the territory lying west of the latter and south of 36° 30′, called the Indian country. A portion lying south of this, with the territory of Florida, now the State, makes in the whole 283,503 square miles. To this must be added the territory acquired with Texas. If the whole should be added to the Southern section, it would make an increase of 325,520, which would make the whole left to the South 609,023. But a large part of Texas is still in contest between the two sections, which leaves uncertain what will be the real extent of the portion of her territory that may be left to the South.

I have not included the territory recently acquired by the treaty with Mexico. The North is making the most strenuous efforts to appropriate the whole to herself, by excluding the South from every foot of it. If she should succeed, it will add to that from which Southern laws have already been excluded, 527,078 square miles, and would increase the whole the North has appropriated to herself, to 1,764,023, not including the portion which she may succeed in excluding us from in Texas. To sum up the whole, the United States, since they declared their independence, have acquired 2,373,046 square miles of territory, from which the North will have excluded the South, if she should succeed in monopolizing the newly acquired territories, about three fourths of the whole, and leave the South but about one fourth.

Such is the first and great cause that has destroyed the equilibrium between the two sections in the government.

The next is the system of revenue and disbursements which has been adopted by the government. It is well known that the main source from which the government has derived its revenue, is from duties on imports. I shall not undertake to show that all such duties must necessarily fall mainly on the exporting States, and that the South, as the great exporting portion of the Union, has in reality paid vastly more than her due proportion of the revenue, because I deem it unnecessary, as the subject has on so many occasions been fully discussed. Nor shall I, for the same reason, undertake to show, that a far greater

portion of the revenue has been disbursed at the North than its due share; and that the joint effect of these causes has been to transfer a vast amount from the South to the North, which, under an equal system of revenue and disbursement, would not have been lost to her. If to this be added, that many of the duties were imposed, not for revenue, but for protection, that is, intended to put money, not into the treasury, but directly into the pocket of the manufacturers, some conception may be formed of the immense amount which in the long course of so many years has been transferred from the South to the North. There is no data by which it can be estimated with any certainty; but, it is safe to say, that it amounts to hundreds of millions of dollars. Under the most moderate estimate, it would be sufficient to add greatly to the wealth of the North, and by that greatly increase her population, by attracting emigration from all quarters in that direction.

This, combined with the great and primary cause, amply explains why the North has acquired a preponderance over every department of the government, by its disproportionate increase of population and States. The former, as has been shown, has increased, in fifty years, 2,400,000 over that of the South. This increase of population, during so long a period, is satisfactorily accounted for by the number of emigrants, and the increase of their descendants, which has been attracted to the northern section from Europe and the southern section, in consequence of the advantages derived from the causes assigned. If they had not existed—if the South had retained all the capital which has been extracted from her by the fiscal action of the government, and if they had not been excluded, by the ordinance of 1787 and the Missouri compromise, from the region lying between the Ohio and the Mississippi, and between the Mississippi and the Rocky Mountains, north of 36° 30′, it scarcely admits of a doubt that she would have divided the emigration with the North, and by retaining her own people, would have at least equalled the North in population, under the census of 1840, and probably under that about to be taken. She would, also, if she had retained her equal rights in those territories, have maintained an equality in the number of States with the North, and have preserved the equilibrium between the two sections that existed at the commencement of the government. The loss, then, of the equilibrium is to be attributed to the action of this government.

But while these measures were destroying the equilibrium between the two sections, the action of the government was leading to a radical

change in its character, by concentrating all the power of the system in itself. The occasion will not permit me to trace the measures by which this great change has been consummated. If it did, it would not be difficult to show, that the process commenced at an early period of the government; that it proceeded almost without interruption, step by step, until it absorbed, virtually, its entire powers. Without, however, going though the whole process to establish the fact, it may be done satisfactorily by a very short statement.

That this government claims, and practically maintains the right to decide in the last resort, as to the extent of its powers, will scarcely be denied by any one conversant with the political history of the country, is equally certain. That it also claims the right to resort to force, to maintain whatever power she claims against all opposition. Indeed, it is apparent from what we daily hear, that this has become the prevailing and fixed opinion of a great majority of the community. Now, I ask, what limitation can possibly be placed upon the powers of a government, claiming and exercising such rights? And, if none can be, how can the separate government of the States maintain and protect the powers reserved to them by the Constitution, or the people of the several States maintain those which are reserved to them, and among them, their sovereign powers, by which they ordained and established, not only their separate State constitutions and governments, but also the constitution and government of the United States? But if they have no constitutional means of maintaining them against the right claimed by this government, it necessarily follows, that they hold them at its pleasure and discretion, and that all the powers of the system are, in reality, concentrated in it. It also follows, that the character of the government has been changed in consequence, from a federal republic, as it originally came from the hands of its framers, and that it has been changed into a great national consolidated democracy. It has, indeed, at present, all the characteristics of the latter, and not one of the former, although it still retains its outward form.

The result of the whole of these causes combined, is that the North has acquired a decided ascendency over every department of this government, and, through it, a control over all the powers of the system. A single section, governed by the will of the numerical majority, has now, in fact, the control of the government, and the entire powers of the system. What was once a constitutional federal republic, is now converted, in reality, into one as absolute as that of the Autocrat of Russia and

as despotic in its tendency as any absolute government that ever existed.

As, then, the North has the absolute control over the government, it is manifest, that on all questions between it and the South, where there is a diversity of interests, the interest of the latter will be sacrificed to the former, however oppressive the effects may be, as the South possesses no means by which it can resist, through the action of the government. But if there were no questions of vital importance to the South, in reference to which there was a diversity of views between the two sections, this state of things might be endured, without the hazard of destruction by the South. But such is not the fact. There is a question of vital importance to the Southern section, in reference to which the views and feelings of the two sections are opposite and hostile as they can possibly be.

I refer to the relations between the two races in the Southern section, which constitutes a vital portion of her social organization. Every portion of the North entertains views and feelings more or less hostile to it. Those most opposed and hostile regard it as a sin, and consider themselves under the most sacred obligation to use every effort to destroy it. Indeed, to the extent that they conceive they have power, they regard themselves as implicated in the sin, and responsible for suppressing it, by the use of all and every means. Those less opposed and hostile regard it as a crime—an offence against humanity, as they call it, and although not so fanatical, feel themselves bound to use all efforts to effect the same object. While those who are least opposed and hostile, regard it as a blot and a stain on the character of what they call the nation, and feel themselves accordingly bound to give it no countenance or support. On the contrary, the Southern section regards the relation as one which cannot be destroyed without subjecting the two races to the greatest calamity, and the section to poverty, desolation, and wretchedness, and accordingly feel bound, by every consideration of interest, safety and duty, to defend it.

This hostile feeling on the part of the North toward the social organization of the South, long lay dormant; but it only required some cause, which would make the impression on those who felt most intensely that they were responsible for its continuance, to call it into action. The increasing power of this government, and of the control of the Northern section over all of it, furnished the cause. It was they made an impression on the minds of many, that there was little or no restraint to

prevent the government to do whatever it might choose to do. This was sufficient of itself to put the most fanatical portion of the North in action, for the purpose of destroying the existing relation between the two races in the South.

The first organized movement towards it commenced in 1835. Then for the first time societies were organized, presses established, lecturers sent forth to excite the people of the North, and incendiary publications scattered over the whole South through the mail. The South was thoroughly aroused; meetings were held everywhere, and resolutions adopted, calling upon the North to apply a remedy to arrest the threatened evil, and pledging themselves to adopt measures for their own protection if it was not arrested. At the meeting of Congress petitions poured in from the North, calling upon Congress to abolish slavery in the District of Columbia, and to prohibit what they called the internal slave trade between the States, avowing at the same time, that their ultimate object was to abolish slavery not only in the District, but in the States and throughout the Union. At this period, the number engaged in the agitation was small, and it possessed little or no personal influence.

Neither party in Congress had, at that time, any sympathy with them or their cause; the members of each party presented their petitions with great reluctance. Nevertheless, as small and as contemptible as the party then was, both of the great parties of the North dreaded them. They felt that though small, they were organized, in reference to a subject which had a great and a commanding influence over the northern mind. Each party on that account, feared to oppose their petitions, lest the opposite party should take advantage of the one who opposed by favoring them. The effect was, that both united in insisting that the petitions should be received, and Congress take jurisdiction of the subject for which they prayed; and to justify their course, took the extraordinary ground that Congress was bound to receive petitions on every subject, however objectionable it might be, and whether they had, or had not, jurisdiction over the subject. These views prevailed in the House of Representatives, and partially in the Senate, and thus the party succeeded, in their first movement, in gaining what they proposed—a position in Congress, from which the agitation could be extended over the whole Union. This was the commencement of the agitation, which has ever since continued, and which, as it is now acknowledged, has endangered the Union itself.

As to myself, I believed, at that early period, that, if the party who

got up the petitions should succeed in getting Congress to take jurisdiction, that agitation would follow, and that it would, in the end, if not arrested, destroy the Union. I then so expressed myself in debate, and called upon both parties to take grounds against taking jurisdiction, but in vain. Had my voice been heard, and Congress refused taking jurisdiction by the united votes of all parties, the agitation which followed would have been prevented, and the fanatical movements accompanying the agitation, which have brought us to our present perilous condition, would have become extinct, for the want of something to feed the flame. That was the time for the North to show her devotion to the Union; but, unfortunately, both of the great parties of that section were so intent on obtaining or retaining party ascendency, that all other considerations were overlooked or forgotten.

What has since followed, are but natural consequences. With the success of their first movement, this small fanatical party began to acquire strength, and with that, to become an object of courtship of both of the great parties. The necessary consequence was, a farther increase of power, and a gradual tainting of the opinions of both of the other parties with their doctrines, until the infection has extended over both, and the great mass of the population of the North, who, whatever may be their opinion of the original abolition party, which still keeps up its distinctive organization, hardly ever fail, when it comes to acting, to cooperate in carrying out their measures. With the increase of their influence, they extend the sphere of their action. In a short period after they had commenced their first movement, they had acquired sufficient influence to induce the legislatures of most of the northern states to pass acts, which, in effect, abrogated the provision of the Constitution that provides for the delivering up of fugitive slaves. Not long after, petitions followed to abolish slavery in forts, magazines and dockyards, and all other places where Congress had exclusive power of legislation. This was followed by petitions, and resolutions of legislatures of the Northern States, and popular meetings, to exclude the Southern States from all territories acquired, or to be acquired, and to prevent the admission of any state hereafter into the Union, which, by its constitution, does not prohibit slavery. And Congress is invoked to do all this, expressly with the view of the final abolition of slavery in the states. That has been avowed to be the ultimate object, from the beginning of the agitation until the present time, and yet the great body of both parties of the North, with the full knowledge of the fact,

although disowning the abolitionists, have coöperated with them in almost all their measures.

Such is a brief history of the agitation, as far as it has yet advanced. Now, I ask, Senators, what is there to prevent its further progress, until it fulfils the ultimate end proposed, unless some decisive measure should be adopted to prevent it? Has any one of the causes, which has added to its increase from its original small and contemptible beginning, until it has attained its present magnitude, diminished in force? Is the original cause of the movement—that slavery is a sin, and ought to be suppressed—weaker now than at the commencement? or is the abolition party less numerous or influential? or have they less influence over elections? or less control over the two great parties of the North in elections? or has the South greater means of influencing or controlling the movements of this government now than it had when the agitation commenced? To all these questions but one answer can be given. No. No. No. The very reverse is true. Instead of weaker, all the elements in favor of agitation are stronger now than they were in 1835, when the agitation first commenced. While all the elements of influence on the part of the South are weakened, I again ask, what is to stop this agitation, unless something decisive is done, until the great and final object at which it aims—the abolition of slavery in the South—is consummated? Is it, then, not certain, that if something decisive is not now done to arrest it, the South will be forced to choose between abolition or secession? Indeed, as events are now moving, it will not require the South to secede, to dissolve the Union; agitation will of itself effect it, of which its past history furnishes abundant proof, as I shall next proceed to show.

It is a great mistake to suppose that disunion can be effected by a single blow. The cords which bound these states together in one common union, are far too numerous and powerful for that. Disunion must be the work of time. It is only through a long process and in succession, that the cords can snap, until the whole fabric falls asunder. Already, the agitation of the slavery question has snapped some of the most important, and has greatly weakened all the others, as I shall proceed to show.

The cords that bind the states together are not only many, but various in character. Among them, some are spiritual or ecclesiastical; some political; others social; others appertain to the benefits conferred by the Union; and others to the feeling of duty and obligation.

The strongest of those of a spiritual and ecclesiastical nature, consisted in the unity of the great religious denominations, all of which originally embraced the Union. All these denominations, with the exception, perhaps, of the Catholics, were organized very much upon the principle of our political institutions. Beginning with smaller meetings, corresponding with the political divisions of the country, their organization terminated in one great central assemblage, corresponding very much with the character of Congress. At these meetings, the principal clergymen and lay members of the respective denominations from all parts of the Union met, to transact business relating to their common concerns. It was not confined to what appertained to the doctrines and disciplines of the respective denominations, but extended to plans for disseminating the Bible, establishing missionaries, distributing tracts, and of establishing presses for the publication of tracts, newspapers and periodicals, with a view of diffusing religious information, and for the support of the doctrines and creeds of the denomination. All this combined, contributed greatly to strengthen the bonds of the Union. The strong ties which held each denomination together, formed a strong cord to hold the whole Union together; but, as powerful as they were, they have not been able to resist the explosive effect of slavery agitation.

The first of these cords which snapped under its explosive force, was that of the powerful Methodist Episcopal Church. The numerous and strong ties which held it together are all broke, and its unity gone. They now form separate churches, and instead of that feeling of attachment and devotion to the interests of the whole church, which was formerly felt, they are now arrayed into two hostile bodies, engaged in litigation about what was formerly their common property.

The next cord that snapped was that of the Baptists, one of the largest and most respectable of the denominations; that of the Presbyterians is not entirely snapped, but some of its strands have given way; that of the Episcopal church is the only one of the four great Protestant denominations which remain unbroken and entire. The strongest cord of a political character consists of the many and strong ties that have held together the two great parties, which have, with some modifications, existed from the beginning of the government. They both extended to every portion of the Union, and had strongly contributed to hold all its parts together. But this powerful cord has proved no better than the spiritual. It resisted for a long time the explosive tendency of the

agitation, but has finally snapped under its force—if not entirely, nearly so. Nor is there one of the remaining cords which has not been greatly weakened. To this extent the Union has already been destroyed by agitation, in the only way it can be, by snapping asunder and weakening the cords which bind it together.

If the agitation goes on, the same force acting with increased intensity, as has been shown, there will be nothing left to hold the States together, except force. But surely, that can with no propriety of language be called a Union, when the only means by which the weaker is held connected with the stronger portion, is force. It may, indeed, keep them connected, but the connection will partake much more of the character of subjugation on the part of the weaker to the stronger, than the union of free, independent and sovereign States in one federal union, as they stood in the early stages of the government, and which only is worthy of the sacred name of Union.

Having now, Senators, explained what it is that endangers the Union, and traced it to its cause, and explained its nature and character, the great question again recurs, How can the Union be saved? To this I answer, there is but one way by which it can be, and that is, by adopting such measures as will satisfy the States belonging to the Southern section that they can remain in the Union consistently with their honor and their safety. There is, again, only one way by which that can be effected, and that is by reviewing the causes by which this belief has been produced. Do that, and discontent will cease, harmony and kind feelings between the sections be restored, and every apprehension of danger to the Union removed. The question then is, By what means can this be done? But before I undertake to answer this question, I propose to show by what it cannot be done.

It cannot, then, be done by eulogies on the Union, however splendid or numerous. The cry of Union! Union! the glorious Union! can no more prevent disunion, than the cry of health! health! glorious health! on the part of the physician, can save a patient lying dangerously ill. So long as the Union, instead of being regarded as a protector, is regarded in the opposite character by not much less than a majority of the States, it will be in vain to attempt to concentrate them by pronouncing eulogies on it.

Besides, this cry of Union comes commonly from those whom we cannot believe to be sincere. It usually comes from our assailants; but we cannot believe them to be sincere: for if they loved the Union,

they would necessarily be devoted to the Constitution. It made the Union, and to destroy the Constitution, would be to destroy the Union. But the only reliable and certain evidence of devotion to the Constitution is, to abstain, on the one hand, from violating it, and to repel, on the other, all attempts to violate it. It is only by faithfully performing those high duties, that the Constitution can be preserved, and with it the Union.

But how then stands the profession of devotion to the Union by our assailants, when brought to this test? Have they abstained from violating the Constitution? Let the many acts passed by the Northern States to set aside and annul the clause of the Constitution providing for the delivery of fugitive slaves, answer. I cite this, not that it is the only instance (for there are many others), but because the violation, in this particular, is too notorious and palpable to be denied. Again, have they stood forth faithfully to repel violations of the Constitution? Let their course in reference to the agitation of the slavery question, which was commenced and has been carried on, for fifteen years, avowedly for the purpose of abolishing slavery in the States—an object all acknowledged to be unconstitutional—answer. Let them show a single instance, during this long period, in which they have denounced the agitators, or their many attempts to effect what is admitted to be unconstitutional, or a single measure which they have brought forward for that purpose. How can we, with all these facts before us, believe that they are sincere in their profession of devotion to the Union, or avoid believing that by assuming the cloak of patriotism, their profession is but intended to increase the vigor of their assaults, and to weaken the force of our resistance?

Nor can we regard the profession of devotion to the Union, on the part of those who are not our assailants, as sincere, when they pronounce eulogies upon the Union evidently with the intent of charging us with disunion, without uttering one word of denunciation against our assailants. If friends of the Union, their course should be to unite with us in repelling these assaults, and denouncing the authors as enemies of the Union. Why they avoid this and pursue the course they obviously do, it is for them to explain.

Nor can the Union be saved by invoking the name of the illustrious Southerner, whose mortal remains repose on the western bank of the Potomac. He was one of us—a slaveholder and a planter. We have studied his history, and find nothing in it to justify submission to

wrong. On the contrary, his great fame rests on the solid foundation, that while he was careful to avoid doing wrong to others, he was prompt and decided in repelling wrong. I trust that, in this respect, we profited by his example.

Nor can we find anything in his history to deter us from seceding from the Union, should it fail to fulfil the objects for which it was instituted, by being permanently and hopelessly converted into the means of oppression instead of protection. On the contrary, we find much in his example to encourage us, should we be forced to the extremity of deciding between submission and disunion.

There existed then as well as now, a union—that between the parent country and her then colonies. It was a union that had much to endear it to the people of the colonies. Under its protecting and superintending care, the colonies were planted, and grew up and prospered through a long course of years, until they became populous and wealthy. Its benefits were not limited to them. Their extensive agricultural and other productions gave birth to a flourishing commerce, which richly rewarded the parent country for the trouble and expense of establishing and protecting them. Washington was born and nurtured, and grew up to manhood under that union. He acquired his early distinction in its service; and there is every reason to believe that he was devotedly attached to it. But his devotion was a rational one. He was attached to it, not as an end, but as a means to an end. When it failed to fulfil its end, and, instead of affording protection, was converted into the means of oppressing the colonies, he did not hesitate to draw his sword and head the great movement by which that union was forever severed, and the independence of these States established. This was the great and crowning glory of his life, which has spread his fame over the whole globe, and will transmit it to the latest posterity.

Nor can the plan proposed by the distinguished Senator from Kentucky, nor that of the administration, save the Union. I shall pass by, without remark, the plan proposed by the Senator, and proceed directly to the consideration of that of the administration. I however assure the distinguished and able Senator, that in taking this course, no disrespect whatever is intended to him or to his plan. I have adopted it, because so many Senators of distinguished abilities, who were present when he delivered his speech and explanation of his plan, and who were fully capable to do justice to the side they support, have replied to him

The plan of the administration cannot save the Union, because it can have no effect towards satisfying the States composing the southern section of the Union, that they can consistently with safety and honor remain in the Union. It is, in fact, but a modification of the Wilmot proviso. It proposes to effect the same object—to exclude the South from all the territory acquired by the Mexican treaty. It is well known, that the South is united against the Wilmot proviso, and has committed itself by solemn resolutions to resist, should it be adopted. Its opposition is not to the name, but to that which it proposes to effect. That the Southern States hold it to be unconstitutional, unjust, inconsistent with their equality as members of the common Union, and calculated to destroy irretrievably, the equilibrium between the two sections. These objections equally apply to what, for brevity, I will call the Executive proviso. There is no difference between it and the Wilmot, except in the mode of effecting the object; and in that respect, I must say, that the latter is much the least objectionable. It goes to its object openly, boldly, and directly. It claims for Congress unlimited power over the territories, and proposes to assert it over the territories acquired from Mexico, by a positive prohibition of slavery. Not so the executive proviso. It takes an indirect course, and in order to elude the Wilmot proviso, and thereby avoid encountering the united and determined resistance of the South, it denies, by implication, the authority of Congress to legislate for the territories, and claims the right as belonging exclusively to the inhabitants of the territories. But to effect the object of excluding the South, it takes care, in the meantime, of letting in emigrants from the Northern States, and other quarters, except emigrants from the South, which it takes special care to exclude, by holding up to them the dread of having their slaves liberated under the Mexican laws. The necessary consequence is, to exclude the South from the territory, just as effectually as would the Wilmot proviso. The only difference in this respect is, that what one proposes to effect, directly and openly, the other proposes to effect indirectly and covertly.

But the executive proviso is more objectionable still than the Wilmot, in another and more important particular. The latter, to effect its object, inflicts a dangerous wound upon the Constitution, by depriving the Southern States, as joint partners and owners of the territories, of their rights in them; but it inflicts no greater wound than is absolutely necessary to effect its object. The former, on the contrary, while it

inflicts the same wound, inflicts others equally great, and if possible greater, as I shall next proceed to explain.

In claiming the right for the inhabitants, instead of Congress, to legislate over the territories, in the executive proviso, it assumes that the sovereignty over the territories is vested in the former; or, to express it in the language used in a resolution offered by one of the senators from Texas, (Gen. Houston, now absent,) "they have the same inherent right of self-government as the people in the States." The assumption is utterly false, unconstitutional, without example, and contrary to the entire practice of the government, from its commencement to the present time, as I shall next proceed to show.

The recent movement of individuals in California to form a Constitution and a state government, and to appoint senators and representatives, is the first fruit of this monstrous assumption. If the individuals who have made this movement, had gone into California as adventurers; and, if as such, they had conquered the territory, and established their independence, the sovereignty of the country would have been vested in them as a separate and independent community. In that case, they would have had the right to form a constitution and to establish a government for themselves; and if after that they had thought proper to apply to Congress for admission into the Union as a sovereign and independent state, all this would have been regular and according to established principles. But such is not the case. It was the United States who conquered California, and finally acquired it by treaty. The sovereignty, of course, is vested in them, and not in the individuals who have attempted to form a constitution as a state, without their consent. All this is clear beyond controversy, except it can be shown that they have since lost or been divested of their sovereignty.

Nor is it less clear that the power of legislating over the territory is vested in Congress, and not, as is assumed, in the inhabitants of the territories. None can deny that the Government of the United States has the power to acquire territories, either by war or by treaty; but if the power to acquire exists, it belongs to Congress to carry it into execution. On this point there can be no doubt, for the Constitution expressly provides, that Congress shall have power "to make all laws which shall be necessary and proper to carry into execution the foregoing powers," (those vested in Congress) "and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof." It matters not, then, where the

power is vested; for if vested at all in the government of the United States or any of its departments or officers, the power carrying it into execution is clearly vested in Congress. But this important proviso, while it gives to Congress the power of legislating over territories, imposes important restrictions on its exercise, by restricting Congress to passing laws necessary and proper for carrying the power into execution. The prohibition extends, not only to all laws not suitable or appropriate to the object, but also to all that are unjust, unequal or unfair, for all such laws would be unnecessary and improper, and, therefore, unconstitutional.

Having now established, beyond controversy, that the sovereignty over the territories is vested in the United States—that is in the several States composing the Union—and that the power of legislating over them is expressly vested in Congress, it follows that the individuals in California who have undertaken to form a constitution and a State, and to exercise the power of legislation, without the consent of Congress, have usurped the sovereignty of the States and the authority of Congress, and have acted in open defiance of both. In other words, what they have done is revolutionary and rebellious in its character, anarchical in its tendency, and calculated to lead to the most dangerous consequences. Had they acted from premeditation and design, it would have been in fact an actual rebellion, but such is not the case. The blame lies much less upon them, than upon those who have induced them to take a course so unconstitutional and dangerous. They have been led into it by language held here, and the course pursued by the executive branch of the government.

I have not seen the answer of the Executive to the calls made by the two houses of Congress, for information as to the course which it took, or the part which it acted, in reference to what was done in California. I understand the answers have not yet been printed. But there is enough known to justify the assertion, that those who profess to represent and act under the authority of the Executive, have advised, aided, and encouraged the movement which terminated in forming what they call a constitution and a state. General Riley, who professed to act as civil Governor, called the convention, determined on the number and distribution of the delegates, appointed the time and place of its meeting, was present during the session, and gave its proceedings his approbation and sanction. If he acted without authority, he ought to have been tried, or, at least, reprimanded and disarmed. Neither having

been done, the presumption is that his course has been approved. This, of itself, is sufficient to identify the Executive with his acts, and to make it responsible for them. I touch not the question whether General Riley was appointed, or received the instructions under which he professed to act, from the present Executive or its predecessor. If from the former, it would implicate the preceding as well as the present administration. If not, the responsibility rests exclusively on the present.

It is manifest, from this statement, that the Executive Department has undertaken to perform acts, preparatory to the meeting of the individuals, to form their so called constitution and State government, which appertain exclusively to Congress. Indeed, they are identical in many respects with the provisions adopted by Congress, when it gives permission to a territory to form a constitution and government, in order to be admitted as a State into the Union.

Having now shown that the assumption upon which the Executive and the individuals in California acted, throughout this whole affair, is informal, unconstitutional, and dangerous, it remains to make a few remarks, in order to show that what has been done is contrary to the entire practice of government, from its commencement to the present time.

From its commencement until the time that Michigan was admitted, the practice was uniform. Territorial governments were first organized by Congress. The government of the United States appointed the governors, judges, secretaries, marshals, and other officers, and the inhabitants of the territory were represented by legislative bodies, whose acts were subject to the revision of Congress. This state of things continued until the government of a territory applied to Congress to permit its inhabitants to form a constitution and government, preparatory to admission into the Union. The preliminary act to giving permission was to ascertain whether the inhabitants were sufficiently numerous to authorize them to be formed into a State. This was done by taking a census. That being done, and the number proving sufficient, permission was granted. The act granting it, fixed all the preliminaries—the time and place of holding the convention; the qualification of the voters; establishing its boundaries, and all other measures necessary to be settled previous to admission. The act giving permission necessarily withdraws the sovereignty of the United States, and leaves the inhabitants of the incipient State as free to form their constitution and government as were the original States of the Union after they had declared

their independence. At this stage, the inhabitants of the territory became for the first time a people, in legal and constitutional language. Prior to this they were, by the old acts of Congress, called inhabitants, and not people. All this is perfectly consistent with the sovereignty of the United States, with the powers of Congress, and with the right of a people to self-government.

Michigan was the first case in which there was any departure from the uniform rule of acting. Hers was a very slight departure from established usage. The ordinance of '87 secured to her the right of becoming a State, when she should have 60,000 inhabitants. Owing to some neglect Congress delayed taking the census. In the meantime, her population increased until it clearly exceeded more than twice the number, which entitled her to admission. At this stage, she formed a constitution and government without the census being taken by the United States, and Congress received the admission without going through the formality of taking it, as there was no doubt she had more than a sufficient number to entitle her to admission. She was not admitted at the first session she applied, owing to some difficulty respecting the boundary between her and Ohio. The great irregularity, as to her admission, took place at the next session, but on a point which can have no possible connection with the case of California.

The irregularity in all other cases that have since occurred, are of a similar character. In all, there existed territorial governments established by Congress, with officers appointed by the United States. In all, the territorial government took the lead in calling conventions, and fixing preliminaries, preparatory to the formation of a constitution and admission into the Union. They all recognized the sovereignty of the United States, and the authority of Congress over the territories; and whenever there was any departure from established usage, it was done on the presumed consent of Congress, and not in defiance of its authority, or the sovereignty of the United States over the territories. In this respect, California stands alone, without usage, or a single example to cover her case.

It belongs now, Senators, for you to decide what part you will act in reference to this unprecedented transaction. The Executive has laid the paper purporting to be the constitution of California before you, and asks you to admit her into the Union as a State, and the question is, will you or will you not admit her? It is a grave question, and there rests upon you a heavy responsibility. Much, very much will depend

upon your decision. If you admit her, you endorse and give your sanction to all that has been done. Are you prepared to do so? Are you prepared to surrender your power of legislation for the territories—a power expressly vested in Congress by the Constitution, as has been fully established? Can you, consistent with your oath to support the Constitution, surrender it? Are you prepared to admit that the inhabitants of the territories possess the sovereignty over them; and that any number, more or less, may claim any extent of territory they please; may form a Constitution and government, and erect it into a State, without asking your permission? Are you prepared to surrender the sovereignty of the United States over whatever territory may be hereafter acquired, to the first adventurers who may rush into it? Are you prepared to surrender virtually to the Executive department all the powers which you have heretofore exercised over the territories? If not, how can you, consistently with your duty, and your oath to support the Constitution, give your assent to the admission of California as a State, under a pretended Constitution and government? Can you believe, that the project of a Constitution which they have adopted, has the least validity? Can you believe, that there is such a State in reality, as the State of California? No; there is no such State. It has no legal or constitutional existence. It has no validity, and can have none, without your sanction. How, then, can you admit it as a State, when, according to the provisions of the Constitution, your power is limited to admitting new States? That is, they must be States, existing States, independent of your sanction, before you can admit them. When you give your permission to the inhabitants of a territory to form a Constitution and a State, the Constitution and State they form derive their authority from the people, and not from you. The State, before admitted, is actually a State, and does not become so by the act of admission, as would be the case with California, should you admit her, contrary to constitutional provisions and established usage heretofore.

The Senators on the other side of the chamber must permit me to make a few remarks in this connection, particularly applicable to them. With the exception of a few Senators from the South, sitting on that side of the chamber, when the Oregon question was before this body, not two years since, you took, if I mistake not, universally, the ground, that Congress had the sole and absolute power of legislating for the territories. How, then, can you now, after the short interval which has elapsed, abandon the ground which you then took, and thereby virtually

admit that the power of legislating, instead of being in Congress, is in the inhabitants of the territories? How can you justify and sanction by your votes the acts of the Executive, which are in direct derogation to what you then contended for? But, to approach still nearer to the present time, how can you, after condemning, little more than a year since, the grounds taken by the party which you defeated at the last election, wheel round and support by your votes the grounds which, as explained by the candidate of the party at the last election, are identical with those on which the Executive has acted in reference to California? What are we to understand by all this? Must we conclude that there is no sincerity, no faith, in the acts and declarations of public men, and that all is mere acting or hollow profession? or are we to conclude that the exclusion of the South from the territories acquired from Mexico is an object of so paramount a character in your estimation, that right, justice, Constitution, and consistency must all yield, when they stand in the way of our exclusion?

But, it may be asked, what is to be done with California, should she not be admitted? I answer, remand her back to the territorial condition, as was done in the case of Tennessee, in the early stage of the government. Congress, in her case, had established a territorial government, in the usual form, with a Governor, Judges, and other officers appointed by the United States. She was entitled, under the deed of cession, to be admitted into the Union as a State, as soon as she had 60,000 inhabitants. The territorial government, believing it had that number, took a census by which it appeared it exceeded it. She then formed a Constitution and a State, and applied for admission. Congress refused to admit her, on the grounds that the census should be taken by the United States, and that Congress had not determined whether the territory should be formed into one or two States, as it was authorized to do, under the cession. She returned quietly to her territorial condition. An act was passed to take a census by the United States, and providing that the territory should form one State. All afterwards was regularly conducted, and the territory admitted as a State in due form. The irregularities in the case of California are immeasurably greater, and afford a much stronger reason for pursuing the same course. But, it may be said, California may not submit. That is not probable; but, if she should not, when she refuses, it will then be the time for us to decide what is to be done.

Having now shown what cannot save the Union, I return to the ques-

tion with which I commenced—How can the Union be saved? There is but one way by which it can, with any certainty, be saved, and that is by a full and final settlement, on the principles of justice, of all the questions at issue between the two sections. The South asks for justice, simple justice, and less she ought not to take. She has no compromise to offer but the Constitution, and no concessions or surrender to make. She has already surrendered so much, that she has little left to surrender. Such a settlement would go to the root of the evil, remove all cause of discontent, and satisfy the South that she could remain honestly and safely in the Union, and thereby restore the harmony and fraternal feelings between the sections, which existed anterior to the Missouri agitation. Nothing else can, with any certainty, finally and forever settle the question at issue, terminate agitation, and save the Union.

But can this be done? Yes, easily; not by the weaker party, for it can of itself do nothing—not even protect itself—but by the stronger. The North has only to will it, to do justice, and perform her duty, in order to accomplish it—to do justice by conceding to the South an equal right in the acquired territory; and to do her duty by causing the stipulations relative to fugitive slaves to be faithfully fulfilled—to cease the agitation of the slave question, and provide for the insertion of a provision in the Constitution by an amendment, which will restore in substance the power she possessed of protecting herself before the equilibrium between the sections was destroyed by the action of this government. There will be no difficulty in devising such a provision—one that will protect the South, and which at the same time will improve and strengthen the government, instead of impairing or weakening it.

But will the North agree to this? It is for her to answer this question. But I will say, she cannot refuse if she has half the love of the Union which she professes to have, or without justly exposing herself to the charge that her love of power and aggrandizement is far greater than her love of the Union. At all events, the responsibility of saving the Union is on the North and not the South. The South cannot save it by any act of hers, and the North may save it without any sacrifice whatever, unless to do justice and to perform her duties under the Constitution be regarded by her as a sacrifice.

It is time, Senators, that there should be an open and manly avowal on all sides as to what is intended to be done. If the question is not now settled, it is uncertain whether it ever can hereafter be, and we, as

the representatives of the States of this Union, regarded as governments, should come to a distinct understanding as to our respective views, in order to ascertain whether the great questions at issue between the two sections can be settled or not. If you who represent the stronger portion, cannot agree to settle them on the broad principle of justice and duty, say so, and let the States we represent agree to separate and part in peace. If you are willing we should part in peace, tell us so, and we shall know what to do when you reduce the question to submission or resistance. If you remain silent, you then compel us to infer what you intend. In that case, California will become the test question. If you admit her under all the difficulties that oppose her admission, you compel us to infer, that you intend to exclude us from the whole of the acquired territories, with the intention of destroying irretrievably the equilibrium between the two sections. We would be blind, not to perceive in that case, that your real objects are power and aggrandizement; and infatuated, not to act accordingly.

I have now, Senators, done my duty, in expressing my opinions fully, freely, and candidly on this solemn occasion. In doing so, I have been governed by the motives which have governed me in all the stages of the agitation of the slavery question since its commencement, and exerted myself to arrest it, with the intention of saving the Union, if it could be done, and, if it cannot, to save the section where it has pleased Providence to cast my lot, and which I sincerely believe has justice and the Constitution on its side. Having faithfully done my duty to the best of my ability, both to the Union and my section, throughout the whole of this agitation, I shall have the consolation, let what will come, that I am free from all responsibility.

Mr. Calhoun's position in regard to the necessity of amending the Constitution was not generally concurred in by the other representatives from the Southern States; but most of them, if not all, agreed with him, that the South should not be denied an equal participation in the acquired territory, and that the true policy of the general government was non-interference, or, in other words, that in the formation of territorial governments, Congress should have nothing to do with the

question of slavery, but leave the people of the states to be formed free to act as they chose. Non-intervention being conceded, the owners of slaves would have the same right to go to the territories that others would, and to take their slaves with them, just as others could their property. In this way the South would have an equal chance, as Mr. Calhoun contended she ought, in the settlement of the territories.

CHAPTER XIII.

Death of Mr. Calhoun—Funeral Honors—His Family—Personal Appearance—Character—Habits in Private Life—Mental Powers—Style as a Speaker and Writer—Work on Government—Manner as an Orator—Course as a Statesman—Popularity—Memory.

Faithful to his duty unto the end, Death found Mr. Calhoun at his post. Feeble though he was in body, to the very close of his earthly pilgrimage he was sustained by the wonderful energy and power of an intellect that never knew what it was to be dependent. Like Chatham, wrapped up in flannels, he occasionally crawled to the Senate chamber to take his friends by the hand, and to encourage them to stand firmly by the rights of the South; and on the 13th of March, his voice was heard for the last time in debate, no longer clear as a trumpet, but often giving way with the failure of the powers of utterance—quivering from weakness and husky with emotion, yet still indicating the unconquerable will and determination of his character. It was the triumph of mind over matter,—of the immortal spirit over the frail body that contained it!

The last words of Mr. Calhoun in the Senate were uttered on this occasion, in defence of his proposition for the amendment of the Constitution, which had been assailed by several senators in the course of the dis-

cussion. The scene was an exciting one; he was nearly overcome, and returned to his private room only to die. The slavery question was the engrossing subject that occupied his mind. He wished to see the Union preserved, but he feared that the slaveholding states would be driven to secede. His friends were not interdicted from visiting him, and he conversed with them freely until it was evident that his powers were fast giving way, and that his ever-active mind was wearing out the body. At intervals he employed himself in writing, or in looking over his papers: this taxed his strength less than conversation, yet intense and earnest thought, like the vampire, was constantly draining the life-blood from his heart.

His son, John B. Calhoun, who is a physician, was with him for several weeks previous to his death, and other friends almost equalled his filial devotion in their kind attentions. On the 30th of March, it could no longer be doubted that the hours of the great statesman would soon be numbered. In the morning he was restless and much weaker than he had ever before been. He sat up, however, for a couple of hours during the day; and toward evening, the stimulants which had been employed to protract his life seemed to have regained their power, and he conversed with apparent ease and freedom, mainly upon the absorbing topic, the slavery question. About half-past twelve, that night, he commenced breathing very heavily—so much so as to alarm his son. The latter inquired how he felt; he replied that he was unusually wakeful, but desired his son to lie down. His pulse was then very low, and he said he was sinking; but he refused to take any more

stimulants. The son lay down, but in a little more than an hour was aroused, by his father calling in a feeble voice, "John, come to me!" His respiration now denoted great physical weakness, though it did not appear to be difficult. When his son approached him, he held out his arm, and remarked that there was no pulsation at the wrist.

He then directed his son to take his watch and papers and put them in his trunk, after which he said that the medicine given to restore him had had a delightful effect and produced an agreeable perspiration. In reply to an inquiry as to how he had rested, he stated that he had not rested at all; but he assured his son that he felt no pain, and had felt none during the whole attack. A little after five o'clock on the morning of the 31st, his son asked him if he was comfortable. "I am perfectly comfortable," he replied. These were his last words.

Shortly before six o'clock, he made a sign to his son to approach the bed. Extending his hand, he grasped that of his son, looked him intently in the face, and moved his lips, but was unable to articulate. Other friends were now called in, and a fruitless effort was made to revive him. Meanwhile he was perfectly conscious, and his eyes retained their brightness, and his countenance its natural expression. But the golden cord was about to be severed—and in a few moments he drew a deep inspiration, his eyes closed, and his spirit passed, "like the anthem of a breeze, away."

The death of Mr. Calhoun was announced in the Senate, in a most impressive manner, by his friend and colleague, Judge Butler, on the first of April. Eloquent

and feeling addresses were also made by Henry Clay and Daniel Webster, the great rivals of the deceased in talents and in fame. Appropriate funeral honors were, of course, paid to his memory by the assembled representatives of the states. The sad event was not altogether unexpected; and it elicited, at Washington not only, but in every town throughout the wide Union, a general and sincere expression of regret. Forms and ceremonies may be but idle show, yet this was the genuine homage paid to departed worth.

On the 2d day of April, the funeral ceremonies were held, and the remains of Mr. Calhoun were then conveyed to Charleston, accompanied by a committee of the Senate. They found a whole people in tears. South Carolina truly mourned her loss; and the citizens of her metropolis, with all the outward manifestations of mourning—a funeral procession, halls and balconies draperied in crape, the tolling of bells, muffled drums and plaintive music, drooping plumes and shrouded banners—received all that was left of him who had constituted the chief glory of his native state, and whose greatness, like the giant pine of her virgin forests, towered far heavenward.

The body of Mr. Calhoun was temporarily deposited in a vault in the cemetery of St. Philip's Church, Charleston, there to await the action of the Legislature —the family consenting, at the request of the governor, that the state should take charge of the remains of her favorite son. They are to be removed to Columbia, the seat of government of the state, where a monument is to be erected to his memory—and thus the legislators of South Carolina be constantly reminded of the virtues,

and the manly dignity and character, of her distinguished statesman.

Mr. Calhoun was married in early life to a cousin by the name of Caldwell, who survived him. She has ever been remarked for the quiet grace and ease of her manners, her unassuming deportment, and the mingled simplicity and dignity of her character; and in the private circles of Washington, once adorned by her presence, but to which she may never again return, she is still remembered with affection and regret. They had three sons: Andrew P. Calhoun, a planter; Patrick, an officer in the army; and John B., a physician. They had several daughters, also, one of whom married Thomas G. Clemson, of Pennsylvania, late *chargé d'affaires* to Belgium.

No one ever saw Mr. Calhoun for the first time without being forcibly impressed with the conviction of his mental superiority. There was that in his air and in his appearance which carried with it the assurance that he was no common man. He had not Hyperion's curls, nor the front of Jove. Miss Martineau termed him, in her Travels in America, the cast-iron man, "who looked as if he had never been born." In person he was tall and slender, and his frame appeared gradually to become more and more attenuated till he died. His features were harsh and angular in their outlines, presenting a combination of the Greek and the Roman. A serene and almost stony calm was habitual to them when in repose, but when enlivened in conversation or debate, their play was remarkable—the lights were brought out into bolder relief, and the shadows thrown into deeper shade.

His countenance, when at rest, indicated abstraction or a preöccupied air, and a stranger on approaching him could scarcely avoid an emotion of fear; yet he could not utter a word before the fire of genius blazed from his eye and illumined his expressive features. His individuality was stamped upon his acute and intelligent face, and the lines of character and thought were clearly and strongly defined. His forehead was broad, tolerably high, and compact, denoting the mass of brain behind it. Until he had passed the grand climacteric, he wore his hair short and brushed it back, so that it stood erect on the top of his head, like bristles on the angry boar, or "quills upon the fretful porcupine," but toward the close of his life he suffered it to grow long, and to fall in heavy masses over his temples. But his eyes were his most striking features: they were dark blue, large and brilliant; in repose glowing with a steady light, in action fairly emitting flashes of fire.

His character was marked and decided, not prematurely exhibiting its peculiarities, yet formed and perfected at an early age. He was firm and prompt, manly and independent. His sentiments were noble and elevated, and everything mean or grovelling was foreign to his nature. He was easy in his manners, and affable and dignified. His attachments were warm and enduring; he did not manifest his affection with enthusiastic fervor, but with deep earnestness and sincerity. He was kind, generous and charitable; honest and frank; faithful to his friends, but somewhat inclined to be unforgiving toward his enemies. He was attached to his principles and prejudices with equal tenacity; and when he had adopted an opinion, so strong was his reliance

upon the correctness of his own judgment, that he often doubted the wisdom and sincerity of those who disagreed with him. He never shrank from the performance of any duty, however painful it might be,—that it was a duty, was sufficient for him. He possessed pride of character in no ordinary degree, and, withal, not a little vanity, which is said always to accompany true genius. His devotion to the South was not sectional, so much as it was the natural consequence of his views with reference to the theory of the government; and his patriotism, like his fame, was coëxtensive with the Union.

In private life he was fitted to be loved and respected. Like Jefferson, Madison, Marshall, and the younger Adams, he was simple in his habits. When at home, he usually rose at day-break, and, if the weather admitted, took a walk over his farm. He breakfasted at half-past seven, and then retired to his office, which stood near his dwelling house, where he wrote till dinner time, or three o'clock. After dinner he read or conversed with his family till sunset, when he took another walk. His tea hour was eight o'clock; he then joined his family again, and passed the time in conversation or reading till ten o'clock, when he retired to rest. As a citizen, he was without blemish; he wronged no one; and there were no ugly spots on his character to dim the brilliancy of his public career. His social qualities were endearing, and his conversational powers fascinating in the extreme. He loved to talk with the young; he was especially animated and instructive when engaged in conversation with them, and scarcely ever failed to inspire a sincere attachment in the breasts of those who

listened to him. He frequently corresponded, too, with young men, and almost the last letter he wrote, was addressed to a *protégé* attending a law school in New York, and was replete with kind advice and with expressions of friendly interest.

He conversed, perhaps, with too great freedom. He prided himself on being unreserved in the expression of his opinions, and yet this was a fault in his character; for in the transaction of business, and in deciding and acting upon important political questions, he was ordinarily cautious and prudent. To his very frankness, therefore, may be attributed, not the misrepresentations, but the occasion of the misrepresentations, of which he was the victim. He often complained that he was not understood, but he sometimes forgot that those who would not comprehend him, might have been already prejudiced by some remark of his, made at the wrong time, or in the wrong presence.

His disposition was reflective, and he spent hours at a time in earnest thought. But he was exceedingly fond of reading history and books of travel. Works on government, on the rise and fall of empires, on the improvement and decline of the races of mankind and the struggles and contests of one with another, always attracted his attention. Indeed, his whole life was one of study and thought.

In his dress he was very plain, and rarely appeared in anything except a simple suit of black. His constitution was not naturally robust; but notwithstanding the ceaseless labors of his mind, by a strict attention to regimen and the avoidance of all stimulants, his life was prolonged almost to the allotted three score and ten.

To say that he possessed a great mind, would be only repeating a trite remark. It was one of extraordinary compass and power. His rivals and compeers were intellectual giants, and among them he occupied no subordinate position. The most prominent characteristics of his mind were its massiveness and solidity, its breadth and scope, the clearness of its perceptions, and the directness with which they were expressed. It was well-balanced, because it was self-poised, and he did not often "o'erstep the modesty of nature."

He was neither metaphysical nor subtle, in the sense in which mere schoolmen use those terms. He had studied the philosophy as well as the rules of logic; or, if not that, the faculty of reasoning with accuracy was natural to him. He was capable of generalizing and of drawing nice distinctions. He was shrewd in argument, and quick to observe the weak points of an antagonist. Of dialectics he was a complete master, whether synthetically or analytically considered. But his great power lay in analysis. He could resolve a complex argument or an idea into its original parts, with as much facility as the most expert mechanic could take a watch in pieces; and it was his very exquisiteness in this respect, that caused him to be regarded by many as sophistical and metaphysical.

He was fond of tracing out the causes which led to an effect, and of considering the vast combinations of circumstances that produced a certain result, or what in politics, he called a juncture or a crisis. In the readiness and rapidity with which he analyzed and classified his thoughts, he had no superior, if he had an equal, among the public men of his day. While at the law

school in Litchfield, he accustomed himself to arrange the order of his thoughts, before taking part in a debate, not upon paper but in his mind, and to depend on his memory, which was peculiarly retentive. In this manner both his mind and memory were strengthened, and the former was made to resemble a store-house full to overflowing, but with everything in its appropriate place and ready for any occasion.

Like his life, his style was simple and pure, yet, for this very reason, often rising to an elevation of grandeur and dignity, which elaborate finish can never attain. It was modelled after the ancient classics, and distinguished for its clearness, directness, and energetic earnestness. His words were well chosen, and showed severe discipline in his early studies; but he never stopped to pick or cull them in the midst of a speech, for at such times his ideas seemed to come forth full draperied, like Minerva from the brain of Jupiter. He occasionally made use of a startling figure, or an antithetical expression, but there was no redundancy of ornament, though—if that could be a blemish—there was a redundancy of thought.

He was in the habit of laying down a few simple abstract truths, and arguing upon and explaining and elucidating them. Almost every sentence, therefore, in one of his speeches, was a political text; and the arguments and illustrations which he employed to establish the correctness of his great principles were the clippings of the diamond—scintillations of the brilliant thought from which they emanated.

His speeches, letters, and reports would fill volumes; yet they are well worthy of collection in a permanent

form. They contain a vast fund of information with reference to the political history of the country, and mines of thought on political science. For some years previous to his death, he was engaged on a work in three parts, entitled "The Theory of Governments." The first part was completed early in 1849, and the two remaining parts were nearly finished at the time of his decease.

It has been said that he was no orator. It is true that he did not cultivate the graces of oratory, but he wielded its power with a giant's force. In discussing serious questions, he was usually calm though impressive; and when he first rose to speak, he almost always bent forward as if from diffidence. But when fully aroused, he became stern and erect in his bearing, his voice rang loud and shrill, and his eyes glistened like coals of fire. A steady flow of words came from his lips, and sometimes they rushed so rapidly that he seemed obliged to clip them off to make room. Intense earnestness characterized his delivery, and this is one of the highest attributes of true eloquence. In listening to him you felt that he was sincere, and it was impossible to look at him without being moved.

As a statesman, his course was independent and high-minded. Principles he regarded as practical things, and he was firm in adhering to them, and bold and fearless in attacking error. He united the fiery ardor of Mirabeau to the steadiness of Malesherbes—the daring of Canning to the moderation of Liverpool. Few men possessed a more happy faculty of ingratiating themselves into the favor of new acquaintances; but he never practiced the arts of the demagogue, and, as

he used to say, he was "an object of as great curiosity to people outside of a circle of five miles in this state [South Carolina], as anywhere else." He was ambitious, but his ambition was of a lofty character. He was not indifferent to party obligations, but he thought they ought to be limited to matters of detail and minor questions of policy, and not extended to important principles.

He was no mere theorist. He never desired, as we have seen in his course in regard to the currency and the tariff, to suddenly undo a system of bad measures, and adopt an opposite system. He favored gradual changes, and this is high evidence of the practical character of his mind. He lived, too, to behold the triumph of most of the great principles for which he had contended, and this is a proof of anything but an overweening love for theories and abstractions.

The theory of this government was for many years his study; he was perfectly familiar with our foreign relations; but upon the currency question he was especially at home, and he discussed it with the sagacity of a philosopher, the foresight of a statesman, and the practical skill of a financier.

Independence and integrity were conspicuous traits in Mr. Calhoun. "I never know," he said, "what South Carolina thinks of a measure. I never consult her. I act to the best of my judgment, and according to my conscience. If she approves, well and good. If she does not, or wishes any one else to take my place, I am ready to vacate. We are even." He was no friend to progressive democracy, nor did he think that liberty and licentiousness were synonymous terms.

"People do not understand liberty or majorities," he remarked. "The will of a majority is the will of a rabble. Progressive democracy is incompatible with liberty. Those who study after this fashion are yet in the horn-book, the *a*, *b*, *c*, of governments. Democracy is levelling—this is inconsistent with true liberty. Anarchy is more to be dreaded than despotic power. It is the worst tyranny. The best government is that which draws least from the people, and is scarcely felt, except to execute justice, and to protect the people from animal violation of law."

These opinions undoubtedly indicate the existence of a morbid melancholy in the breast of their author—of a proneness to look upon the dark side of human nature —yet they were uttered in all sincerity.

Possessing such exalted talents, the question may be asked, why Mr. Calhoun did not reach the presidency; for his aspirations were often turned in that direction, though he would sacrifice no principle to reach that high station. A late writer* has enumerated three obstacles—his unconquerable independence, his incorruptible integrity, and the philosophical sublimity of his genius. That the first two contributed to this result is highly probable, but if by that other quality is meant an elevation of his genius entirely above the comprehension of the multitude, it is unjust to his character. He possessed no such transcendental faculty or attribute. Truth, in its simplicity and beauty—as Mr. Calhoun presented it—goes home to every heart. He was understood and appreciated by the masses. He was popular with the people, but not with the politicians.

* Gallery of Illustrious Americans, No. 2.

The death of Mr. Calhoun was a loss to the Union· but to South Carolina the blow was peculiarly severe. For more than forty years she had trusted and confided in him, and she never found him faithless or remiss in his duty. He had received many honors at her hands, but not one was undeserved,—she owed him a debt of gratitude which she could never repay. She has pro duced many distinguished men ; yet his memory and fame will be dearer than those of her Laurenses, her Gadsdens, her Pinckneys, her Rutledges, or her Haynes. Her soil contains no nobler dust than that of JOHN CALDWELL CALHOUN.

"Statesman, yet friend to truth!—of soul sincere,
In action faithful, and in honor clear,
Who broke no promise, served no private end,
Who sought no title, and who lost no friend!"

THE END.

* * * Let every youth peruse it, and we promise them they will find their hearts and lives improved by it.—*Advocate, Batavia.*

Truth is the basis of the work before us. In it the accomplished authoress has done an honor to her sex, and we doubt not secured blessings upon many households by the publication of this finished and elegant little volume. Her former labors have endeared her to *children.* The present one should secure for her the affection and gratitude of *parents.*—*Geneva Courier.*

* * * It is lively without triviality, and replete with interest from the first to the last.—*New York Day Book.*

* * * Believing this work adapted to lead mothers to *rightly train* the little shoots springing up around the parent tree, and to restrain their wandering inclinations, we commend it to their perusal.—*Student.*

Cousin Cicely is gifted with rare powers. It is of home incidents she writes, and in a manner highly attractive. * * * Traces with graphic force the loved and petted child. The volume is full of instruction to parents, and should have a place in every family library.—*Providence Daily Post.*

* * * Cousin Cicely is well known, and a work from her pen will meet with ready welcome.—*Providence Daily Times.*

* * * Her works are of decided merit, and should be possessed by all.—*Rochester Daily American.*

* * * She has got the hearts of parents and children through the Silver Lake Stories and Lewie.—*Rochester Daily Democrat.*

* * * The moral of the story is good, and the plot is so touching, that we cannot wonder at the book's success.—*N. Y. Commercial Adv.*

* * * Agnes, the sister of spoiled Lewie, is treated with unmotherly injustice; grows up a character of uncommon oveliness; and, though "only a Governess," marries splendidly.—*N. Y Church Journal.*

* * * Downright interesting story. It is crowded with domestic pictures, true to nature. * * * The short and melancholy career of poor Lewie, shows the importance of properly managing children.—*Western Literary Messenger.*

* * * The description of an American home is true to the life. Many of the incidents are truly affecting. * * * Passages of remarkable beauty of expression and sentiment. We give the following as a specimen of the thought and style which characterizes the work: "It is strange how much a human heart may suffer and beat on and regain tranquility, and even cheerfulness at last. It is a most merciful provision of Providence, that our griefs do not always fall as heavily as they do at first, else how could the burden of this life of change and sorrow be borne. But the loved ones are not forgotten when the tear is dried, and the smile returns to the cheek; they are remembered, but with less of sadness and gloom in the remembrance; and at length, if we can think of them as happy, it is only a pleasure to recall them to mind."—*Patriot, Jackson Michigan.*